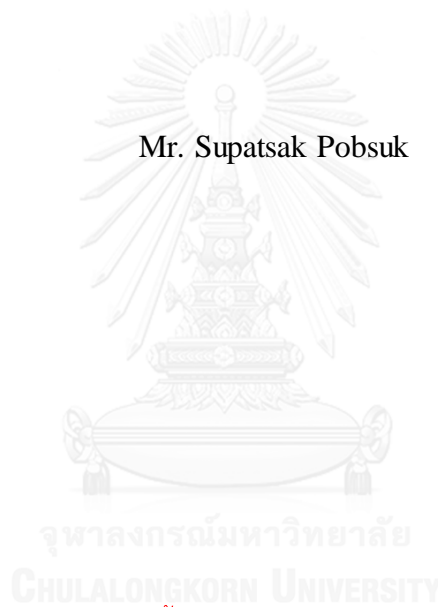Negotiating the Regime of Identification: A Case Study on Displaced Persons
in Mae La Refugee Camp and Mae Sot Township

Mr. Supatsak Pobsuk

A Thesis Submitted in Partial Fulfillment of the Requirements

for the Degree of Master of Arts Program in International Development Studies

Faculty of Political Science

Chulalongkorn University

Academic Year 2014

การเจรจาต่อรองระบอบพิสูจน์ตัวตน: กรณีศึกษาผู้พลัดถิ่นในค่ายผู้ลี้ภัยแม่หละ และ เมืองแม่สอด

นายสุพัฒน์ศักดิ์ พบสุข

Thesis Title	Negotiating the Regime of Identification: A Case Study on Displaced Persons in Mae La Refugee Camp and Mae Sot Township
By	Mr. Supatsak Pobsuk
Field of Study	International Development Studies
Thesis Advisor	Assistant Professor Jakkrit Sangkhamanee, Ph.D.

Accepted by the Faculty of Political Science, Chulalongkorn University in Partial Fulfillment of the Requirements for the Master's Degree

.... Dean of the Faculty of Political Science
(Associate Professor Ake Tangsupvattana, Ph.D.)

THESIS COMMITTEE

.... Chairman
(Associate Professor Niti Pawakapan, Ph.D.)
.... Thesis Advisor
(Assistant Professor Jakkrit Sangkhamanee, Ph.D.)
.... External Examiner
(Associate Professor Yongyuth Chalamwong, Ph.D.)

จุฬาลงกรณ์มหาวิทยาลัย
CHULALONGKORN UNIVERSITY

สุพัฒน์ศักดิ์ พบสุข : การเจรจาต่อรองระบอบพิสูจน์ตัวตน: กรณีศึกษาผู้พลัดถิ่นในค่ายผู้ลี้ภัยแม่หละ และ เมืองแม่สอด (Negotiating the Regime of Identification: A Case Study on Displaced Persons in Mae La Refugee Camp and Mae Sot Township) อ.ที่ปรึกษาวิทยานิพนธ์หลัก: จักรกริช สังขมณี, หน้า.

สถานการณ์ผู้ลี้ภัยในประเทศไทยยืดเยื้อยาวนานเป็นเวลากว่า 30 ปี การตั้งค่ายผู้ลี้ภัยถูกนำมาใช้เป็นนโยบาย โดยรัฐไทยที่จะจัดการกับปัญหาที่ยืดเยื้อนี้ ในค่ายผู้ลี้ภัยในประเทศไทย ข้อบังคับพิเศษที่อยู่บนพื้นฐานของความมั่นคง เช่น การจำกัดการเดินทางและการทำงาน เป็นการควบคุมผู้พลัดถิ่นชาวที่มาจากประเทศเมียนมาร์ให้อยู่ภายในค่ายผู้ลี้ภัย ภายใต้เงื่อนไขดังกล่าว ผู้พลัดถิ่นได้กลายเป็นตัวแสดงที่เฉื่อยชา ที่รอพึงความช่วยเหลือด้านมนุษยธรรม

ด้วยวิธีการวิจัยเชิงคุณภาพรวมถึง การสัมภาษณ์รูปแบบกึ่งโครงสร้าง และการสัมภาษณ์เชิงลึกกับผู้ให้ข้อมูลหลัก และการสังเกตการณ์แบบไม่มีส่วนร่วม ถูกใช้เพื่อการเก็บข้อมูลในค่ายผู้ลี้ภัยแม่หละ และอำเภอแม่สอด จังหวัดตาก วิทยานิพนธ์ฉบับนี้ศึกษาคนพลัดถิ่นที่มาจากประเทศเมียนมาร์ในค่ายผู้ลี้ภัย ว่าควรถูกพิจารณาเป็นตัวแสดงที่มีกลยุทธ์ ผ่านการศึกษาเอกสารระบุตัวตนที่ใช้อยู่ในค่ายผู้ลี้ภัย และเมืองชายแดน วิทยานิพนธ์นี้มีจุดมุ่งหมายที่จะพิจารณาว่า คนพลัดถิ่นมีปฏิสัมพันธ์ระบอบการระบุตัวตนในบริบทของค่ายผู้ลี้ภัยและเมืองชายแดนในประเทศไทยอย่างไร เพื่อการเข้าถึงความช่วยเหลือ สิทธิดีกว่า และการคุ้มครอง

การศึกษาชิ้นนี้ใช้สามแนวคิดคือ สภาวะยกเว้น (State of Exception), หลักการปกครองจิตใจ (Governmentality) และเทคโนโลยีอำนาจ (Technology of power) ในการอธิบายระบอบการระบุตัวตนในค่ายผู้ลี้ภัยและเมืองชายแดน สภาวะยกยกเว้นใช้ในการอธิบายว่าค่ายผู้ลี้ภัยและเมืองชายแดนเป็นพื้นที่พิเศษอย่างไร ในขณะที่หลักการปกครองจิตใจ และเทคโนโลยีอำนาจใช้ในการอธิบายว่าหน่วยงานของรัฐและองค์กรทางมนุษยธรรม ใช้เอกสารระบุตัวตน ระบุ และตรวจสอบผู้พลัดถิ่นเพื่อการจัดการและการควบคุมอย่างไร

วิทยานิพนธ์ฉบับนี้แสดงให้เห็นว่าคนพลัดถิ่นในค่ายผู้ลี้ภัยแม่หละ ได้เรียนรู้วิธีที่จะอยู่และใช้เอกสารระบุตัวตนในการเข้าถึงความช่วยเหลือด้านมนุษยธรรมและการคุ้มครอง นอกจากนี้การศึกษานี้ยังพบว่า ลักษณะพิเศษของอำเภอแม่สอด ทำให้ผู้พลัดถิ่นใช้เอกสารระบุตัวตนหลากหลายชนิดเพื่อที่จะเจรจาต่อรอง สิทธิในการทำงาน สิทธิในการศึกษา และสิทธิในความเป็นพลเมือง เอกสารระบุตัวตนจึงไม่ใช่เทคโนโลยีอำนาจในการควบคุมคนพลัดถิ่น แต่พวกเขาจะกลับใช้เอกสารเพื่อที่จะแสวงหาโอกาสที่ดีกว่า คนพลัดถิ่นจึงไม่ควรถูกมองว่าเป็นตัวแสดงที่เฉื่อยชา แต่เป็นตัวแสดงที่มียุทธศาสตร์ที่เรียนรู้วิธีการเจรจาต่อรองกับอำนาจควบคุมเพื่อเข้าถึง ความช่วยเหลือ สิทธิที่ดีขึ้น และการคุ้มครอง

สาขาวิชา	การพัฒนาระหว่างประเทศ	ลายมือชื่อนิสิต	....
ปีการศึกษา	2557	ลายมือชื่อ อ.ที่ปรึกษาหลัก	....

SUPATSAK POBSUK: Negotiating the Regime of Identification: A Case Study on Displaced Persons in Mae La Refugee Camp and Mae Sot Township. ADVISOR: ASST. PROF. JAKKRIT SANGKHAMANEE, Ph.D., pp.

The refugee situation in Thailand has lasted for 30 years in a protracted situation. An encampment policy has been employed by the Thai state to deal with this protracted issue. In refugee camps in Thailand, special regulations related to security policies, such as restriction of movement and employment, have been enforced for displaced persons from Myanmar living in the camps. Under these conditions, displaced persons have turned into passive actors waiting for humanitarian assistance.

Based on qualitative methods including semi-structured interviews and in-depth interviews with key informants, and non-participant observation for data collection in Mae La refugee camp and in Mae Sot District, located in Tak province, this thesis examines how displaced persons from Myanmar in refugee camp can be considered strategic agents through studying identification documents used in refugee camps and border towns. The thesis aims to see how displaced persons engage themselves with the regime of identification in the context of refugee camps and border towns in Thailand in order to access to assistances, better rights, and protection.

The three concepts of "State of Exception", "Governmentality" and "Technology of power" have been used to describe the regime of identification in refugee camps and border towns. State of exception is used to explain how refugee camps and border towns are exceptional spaces. The terms "Governmentality" and "Technology of power" are used to explain how the Thai state and humanitarian agencies used identification documents to identify and verify displaced persons for the purposes of management and regulation.

This thesis illustrates that displaced persons in Mae La refugee camp have learnt how to live and use identification documents to access humanitarian assistance and protection. In addition, this study finds that characteristics of Mae Sot District lead displaced persons to use various kinds of identification documents to negotiate rights to work, education and citizenship. Identification documents are thus not a technology of power to control displaced persons. Rather, they are reversed by displaced persons to seek better opportunities. Displaced persons should not be seen as passive actors, but rather strategic actors who have learnt how to negotiate with controlled power for better assistance, rights, and protection.

ACKNOWLEDGEMENTS

CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF ACRONYMS

APV	Annual Population Verification
BGF	Border Guard Forces
CBOs	Community Based Organizations
DBA	Department of Border Affairs
DKBA	Democratic Karen Benevolent Army
ECHO	European Commission Humanitarian aid and Civil Protection
GED	General Educational Development
HHRD	Household Registration Document
ID	Identification card
ISAB	Internal Security Affairs Bureau
KHRG	Karen Human Rights Group
KNLA	Karen National Liberation Army
KNU	Karen National Union
MFA	Minister of Foreign Affairs
MOD	Ministry of Defense
MOI	Ministry of Interior
MOU	Memorandum Of Understanding
NCPO	National Council for Peace and Order
NGOs	Non-Governmental Organizations
NSC	National Security Council
NV	National Verification
OCDP	Operations Center for Displaced Persons Unit
PAB	Provincial Admission Board
PAO	Provincial Administrative Organization
PPO	Provincial protection officer
PRC	Canada's Permanent Resident Card
TAO	Tambon Administrative Organization
TBC	The Border Consortium

| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| UNHCR | United Nations High Commissioner for Refugees |

CHAPTER I
INTRODUCTION

1.1 Introduction

"...Thailand and Myanmar will cooperate in helping displaced persons from fighting in Myanmar. These people have been staying in temporary shelters with certain restrictions for a long time already. This has been a protracted problem. There are up to a hundred and thirty thousand displaced persons in nine temporary shelters in our country. Thailand and Myanmar will facilitate the safe return to their homeland in accordance with principles of human rights."
(General Prayuth Chan-Ocha, Head of the National Council for Peace and Order (NCPO), National broadcast on 11 July 2014)

This statement from the head of military government brought the concern and uncertainty to displaced persons in Mae La refugee camp where I conducted the study. Those people are afraid of being repatriated to Myanmar, which the first generation of displaced persons in Thailand left 30 years ago, and to which the second and third generation have no ties to their country of origin, as a result of being born and raised in Thai territory. In addition, it seems that the protracted refugee situation in Thailand is reaching its final stages. More than 130,000 displaced persons in the camp will return safely to Myanmar as their country of origin in the near future. However, the refugee situation in Thailand is more complex than the aforesaid statement.

Thailand has served as a host country for displaced persons who are ethnic minorities from Myanmar for 30 years in a protracted refugee situation (Loescher and Milner, 2008). Since Thailand is not a signatory to the 1951 convention and 1969

protocol relating to the Status of Refugees, international law cannot apply to displaced persons in Thailand. Instead, Thailand has applied its own rules and regulations relating to national security policies to manage those displaced persons. Encampment policy under a security-led approach has been used to confine those people in exceptional spaces, so-called "Temporary shelters". Displaced persons can be seen as illegal immigrants who have been allowed by the Thai state to live temporarily in the shelters, pending repatriation after the situation in Myanmar improves. In this confinement, displaced persons can access some entitlements such as food, shelter, health service and education provided by humanitarian agencies. Their lives are constrained and passively dependent on humanitarian aid. The international refugee regime refers to an international mechanism including law, practices and agencies that have been created to protect displaced people when original country fails to protect its people's rights. In addition, the regime has proposed three durable solutions which are voluntary repatriation, local integration and third country resettlement (Keely, 2001). Of those three durable solutions, the Thai government accepted third country resettlement as an appropriate option to deal with the protracted refugee situation. The third country resettlement option is limited to displaced persons who have been registered by the Thai government and UNHCR, with the last registration event taking place in 2005. Repatriation of displaced persons in Thailand to Myanmar as country of origin has not happened because of voluntariness and safety of displaced persons. Importantly, the Thai government has never accepted local integration as an option because the integration of displaced persons as non-citizen affects national security. From this way, it seems that displaced persons from Myanmar have limitation of choice. Resettling to the third country, repatriating to country of origin, confining in refugee camp are merely the option for them.

Refugee camps or "temporary shelters" have been located at the border, where they can be considered controlled spaces according to nation-state security discourses, on the one hand. "Otherness" and 'unusual' things should be confined and investigated before they enter national territory. On the other hand, a border can be considered as a contact zone where peoples and cultures have interacted. The border is thus constructed to be a diverse space (Santasombat, 2008). The Thai-Myanmar border is

also a contested space including altogether contradictory things such as trading and travelling, displacement and confinement. Such a borderland is an economic zone, where trans-border economic activities should be liberalized as much as possible in order to increase economic growth, while the centralized state has had to regulate the flow of displaced persons and irregular migrants who want to enter to its territory. The case of Mae Sot town can illustrate an apparent narrative, namely the amount of trade at this borderland steadily increases. Thai government plans to raise Mae Sot town as special economic zone. On the other side of this story, there are three refugee camps, including Mae La, Umpiem and Nu Po, located near Mae Sot Township where more than 60,000 displaced persons from Myanmar have been confined. It is readily apparently that two separated spaces-economic zone and refugee camps-have been torn apart literally and conceptually by, on one hand, the notion of liberalization and, on the other, regulation and control.

Since the border is ambiguous area, the Thai state has applied various practices to control the population and territory, basing its actions on a national security discourse. One of the uses of "technology of power" by the Thai state is to require identification documents, for example identification cards, passports and border passes, which sustain the existence of the sovereign power of the state. It can be said that documentation is a critical tool of the state because the state wants to make people recognizable to the eyes of the state in order to manipulate and utilize populations at the border, which is considered a contact, contested, complicated, and obscure space (Scott, 1998). The documentary practices at the border are the process of inclusion and exclusion. The practices include people who are identified and verified by the state, of which documentation is crucial evidence. They also exclude people who do not have the identification to confirm belonging and legal presence and membership in the state. In other words, identification documents and cards are crucial tool at the border in order for people to confirm their legality; otherwise they are recognized as law violators. Since the border is an ambiguous space and contains illegible peoples, the culture of identification has been established pervasively around border space in order to regulate the population.

In the refugee camps as well, displaced persons need to be identified through an identification process conducted by Thai state and international organizations for the purpose of control and manipulation. More importantly, displaced persons need to hold identification documents in order to access welfare, protection, and certain rights. In this sense, identification documents have played two important roles. First, they are a type of technology of power employed to monitor and control people by categorizing them as displaced persons. Second, they are used by displaced persons as strategic tools to negotiate for their rights and benefits, and eventually for freedom from restrictions and the chance for better opportunities (Pongsawat, 2007 and Laungaramsri, 2014). It is arguable that this is a trade-off relationship between being control and accessing to right.

This thesis aims to study the relationship between displaced persons and the uses of identification documents at Thai-Myanmar border. In other words, the researcher is interested in studying identification documents employed in Mae La refugee camp and in Mae Sot. The thesis thus critically studies displaced persons in Mae La refugee camp. The thesis also aims to illustrate how displaced persons engage with the regime of identification referring to surveillance and controlling through identification documents by the state and humanitarian agencies. For the study, qualitative methods were employed to collect data, including documentary research, semi-structured interviews, In-depth interviews with key informants, and ethnographic methods. The field research was carried out in Mae La refugee camp located in Tha Song Yang district, Tak province, in locations surrounding the camp, and in Mae Sot Township. Importantly, the thesis aims to study displaced persons as strategic agents who understand the situation at the border well. They thus apply identification documents as negotiation tools towards the system where controls them to access better opportunities.

1.2 Research Questions

The thesis attempts to answer the main question of *"How have displaced persons in Mae La refugee camp been understood as strategic agents through studying identification documents in Mae La refugee camp and Mae Sot Township?"* To pursue the main question, the following sub questions will be addressed:

1) How has the regime of identification been established in Mae La refugee camp and Mae Sot Township?
2) How have identification documents been employed as technology of power for governing displaced persons in Mae La refugee camp and Mae Sot Township?
3) How do displaced persons from Mae La refugee camp use identification documents as negotiation tools for seeking better opportunities?

1.3 Research Objectives

- To illustrate how the regime of identification is established in Mae La refugee camp and Mae Sot town;
- To examine how identification documents have been employed as technology of power for governing displaced persons in Mae La refugee camp and Mae Sot town;
- To demonstrate how displaced persons from Mae La refugee camp use identification document as negotiation tools for seeking better opportunities.

1.4 Conceptual Framework (Figure 1)

Conceptual frameworks have been drawn through three main concepts, namely State of Exception, Governmentality and Technology of Power. The term "State of exception" is applied to explain characteristics of refugee camps and border areas where the Thai state employs sovereign power to confine populations of displaced persons through exceptional rules and regulations. Under such conditions, some rights,

welfares, and protections, such as freedom of movement, right to employment, and right to privacy, have been denied to the population (Agamben, 2005). Importantly, this state of exception has created the practice of identification by which displaced persons living in refugee camps and border towns need to be identified and labeled according to categories, such as Displaced Persons Fleeing Fighting, migrant workers, and illegal people. I term this the "regime of identification" to describe this practice. The reason that such a regime has been established is to render ambiguous identities legible in order to manipulate and control those people. It can be said that the regime of identification refers to Governmentality in some senses, namely that identification documents have come to be perceived as the "regime of truth" which displaced persons have embraced and practiced as a norm (Gordon, Foucault, Miller, & Burchell, 1991). Moreover, said regime has been sustained and reproduced through the everyday practices of state authorities and international agencies as if it is a normal practice, despite abnormal circumstances (Agamben, 2005). In this sense, identification documents will be recognized by the authorities as a technology of power for the purpose of surveillance and controlling.

In Mae La refugee camp, the conceptual framework also examines displaced persons as strategic agents. In order to access to humanitarian aids and protection, displaced persons need to hold identification documents which affirm their identity as people who suffered from the conflict in the country of origin, and cannot return. From this way, identification documentation is used as a tool to access humanitarian assistance and protection in the refugee camp.

In the second part, State of Exception is applied to Mae Sot to explain its unique border town characteristics again. Exceptional rules and regulations have also been established in the town to regulate illegal immigrants and illegal migrants. Identification documents such as temporary passports, work permit, ID cards for people without Thai nationality, and for unregistered persons are used by the Thai state for population and space management. However, due to exceptional characteristics in Mae Sot Town, other governances besides the Thai state also exercise power in the town. With this in mind, it can be said that another State of

Exception has been established in Mae Sot Township. Various kinds of identification documents such as student cards, organization cards, and migrant clinic cards create some assistances and protections for people.

As strategic agents, displaced persons in Mae La refugee camp have learnt the characteristics of Mae Sot Township, and use various kinds of identification documents to seek better opportunities in the town. In this thesis, identification documents are considered a "reverse technology of power" for displaced persons to seek better opportunities. In other words, identification documents can also be seen as strategic tools in negotiating the right to work, right to education, and right to citizenship. Identification documents assure that displaced persons can access rights, welfare and protection. However, those people also receive benefits and restrictions differently according to different kinds of documents.

Overall, displaced persons who use various types of identification documents as tools can be considered strategic agents because they understand the regime of identification where rights, welfare, and protection are accessible correspond to identification documents. By the way, not only can rights, welfare, and protection be obtained with identification documents, but controlling through regulations of the documents simultaneously is applied to displaced persons. With this ambiguity and the predicament of the identification regime, identification documentation can be considered a strategic tool for both sides.
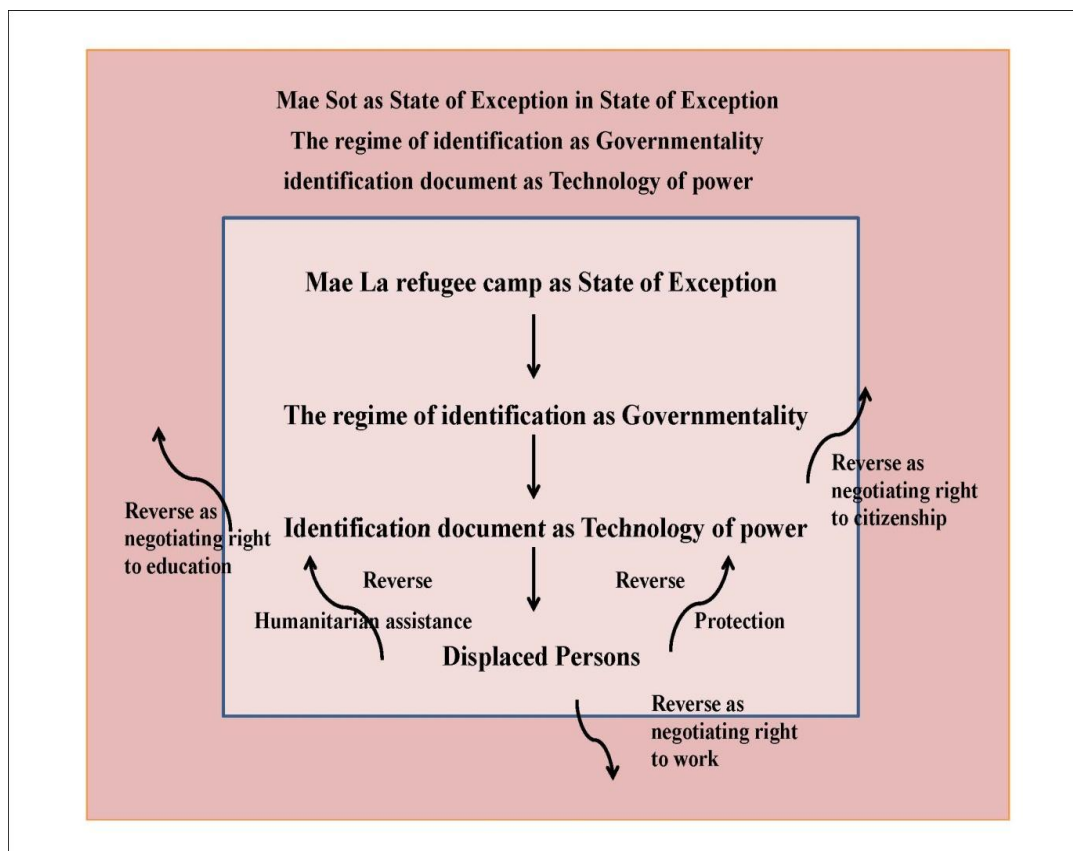
Figure 1 Conceptual Framework

1.5 Methodology

This thesis was conducted as qualitative research in Mae La refugee camp and Mae Sot Township for four weeks between June and July 2014. I applied various methods to conduct research for this thesis, including documentary research, semi-structured interviews, in-depth interviews with key informants, and non-participant observation.

1.5.1 Documentary Research

Primary data from the Thai state such as Thai immigration law, National Security strategies and policies regarding refugee issues of the Ministry of Interior, the National Security Council, and Immigration bureau were studied to review legal mechanisms relating to identification documents enforced for displaced persons in

Mae La refugee camp and Mae Sot Township. In addition, secondary data such as theses, books, journals, reports from humanitarian agencies, such as The Border Consortium, and news articles were studied to examine the background of refugee situation in Thailand. This method aims to examine rules and regulations relating to identification documents which have been set by laws and policies in controlling displaced persons and providing entitlements to them. Importantly, the documentary data is crosschecked against my field data to show the inconsistencies.

1.5.2   Semi-Structured Interview

I accomplished 15 semi-structured interviews with displaced persons in Mae La refugee camp to find the relationship between the uses of identification documents and displaced persons in Mae La refugee camp in order to illustrate entitlements and restrictions correspond to different kinds of identification documents. Furthermore, the data explain how displaced persons used the documents in self-identifying and accessing humanitarian assistance and protection. I thus interviewed displaced persons who hold three different types of status existing in the context of Thai refugee camps, which are registered, unregistered, and new arrival. I divide my participants into groups of five each. Out of the 15 semi-structured respondents, I interviewed eight Karen, four Burman, one Kachin, one Kayah and one Rohingya. Among them, nine considered themselves as Christian, three Muslim and three Buddhists. I am aware their responses might be interpreted through ethnic and religious perspectives. In this stage, section committees and my interpreters recommended me to select the interviewees.

1.5.3   In-depth Interviews with Key Informants

I conducted the interviews with the key informants who are parts in establishing the regime of identification, such as The Border Consortium (TBC), immigration police, bureaucratic officials in Ministry of Interior, and section leaders in Mae La refugee camp. This was for the purpose of understanding perspectives of

authorities relating to identification documents employed in Mae La refugee camp and Mae Sot Township, particularly enforcement and practices on the ground.

In addition, I conducted 10 in-depth interviews with displaced persons who previously stayed in Mae La refugee camp, but now live outside the camps, specifically in Mae Sot Township, to see strategies used relating to various kinds of identification documents. These interviewees could be divided into 3 areas: work, education and citizenship. I conducted the research during the state of emergency after the coup by National Council for Peace and Order (NCPO) on 22 May 2014, when undocumented people such as migrant workers were at risk of arrest and deportation at the border. Thus, it was quite difficult to find people who had previously lived in the camp and now stay outside, because it is a confidential issue. I took some times to build trust with people who are without legal status. I used a snowball technique to find my interviewees from one person to another. However, the technique also took time for me in order to reach my interviewees. I used social networking along with the snowball technique. One person I interviewed with whom I built trust could recommend me to another. The trust I built with one person transferred to another. Again, I had to wait a period of time in order to reach each interviewee.

1.5.4 Non-Participant Observation

I employed ethnographical techniques, particularly non-participant observation, to observe the practice and enforcement of identification documents in the field, such as police and military checkpoints and patrolling by Thai authorities. Moreover, this technique was applied for observing the way that identification documents are used by displaced persons in Mae La camp in accessing various entitlements.

In Mae La refugee camp, I as a researcher merely recognized myself as "the outsider". I could not access the refugee camp without a permission document from the Ministry of Interior, a so-called camp pass. Particularly, accessing the camp for

academic purposes is not allowed due to national security concerns. Therefore, I accessed the camp informally where it can be arguable that sovereign power by Thai state cannot permeate thoroughly in the exceptional space that is the refugee camp. In addition, even though I had worked with my interpreters before as an NGO employee, it was quite difficult to get them to trust that I had merely come in the camp for the purpose of academic research, and was neither a governmental nor non-governmental official planning to surveyed and investigated displaced persons in the camp. I thus followed their advice to introduce myself and request permission from the section committee, as the lowest administrative level in the camp. From this incident, it reconfirms my "otherness" in the exceptional space where I needed to get permission on some level in order to do something there. It also reconfirmed that Mae La refugee camp is in a state of exception, where exceptional rules and regulations have been normalized and applied as a state of being (Agamben, 2005). Those made displaced persons like my interpreters feel insecure, as if living in a state of fear, when either welcoming the "outsider" or when asked to do differently outside their everyday routine. Outsiders must get permission from the authorities-national, international, or local level-before entering the refugee camp.

1.6 Research Scope

This thesis aims to focus on the relationship between refugees and identification documents, where the researcher considers identification documents as a crucial tool in Mae La refugee camp and Mae Sot Township, i.e. the research is finding the significance of identification documents in those areas as exceptional spaces. In doing so, I carried out this research in Mae La refugee camp located in Tha Song Yang district, Tak province, locations surrounding the camp, and Mae Sot Township to observe practices of surveillance and control based on by identification documents, usage of identification documents as a strategic tool, and circulation of identification documents. I consider that Mae La refugee camp and Mae Sot Township are a nexus where migration and prosperity of trans-border economic activities interact. I didn't focus on interviewing displaced persons from categories such as

ethnicity and religion, but rather the documents they carried so as to answer research question pertinently.

1.7 Significance of Research

According to literature review, it can be arguable that previous studies about refugees in Thailand pay more attention to how refugees use their own capital, such as culture, ethnicity, religion, and kinship, in negotiating sovereign power and seeking opportunities through such networks. In the context of Thailand, I consider that identification documentation is an important tool for people to access rights, welfare, and other entitlements. It can be said that the topic of identification documents in relation with displaced person has not fully been explored. Importantly, identification documents also play a role in population and space management by the authorities. In addition, previous studies did not focus much on how displaced persons reverse technology of control to negotiate with the controlling power to seek better opportunities. This study thus illustrates how displaced persons engage with the regime of identification referring to surveillance and control through identification documents. Research on this phenomenon will be useful for migration study, particularly to shed new light to complexity of the protracted refugee situation in Thailand. Hopefully, it can illustrate how those displaced persons use identification document as a significant survival strategy in protracted refugee situation.

1.8 Limitation of Research

I encountered different kinds of obstacles because the research was designed to collect data in sensitive areas and issues. I did not get permission from Ministry of Interior (MOI) in order to access refugee camps or temporary shelters in Thailand. Thus, I entered to Mae La refugee camp informally. It was a difficult time for me to reach my interviewees in the camp because they were afraid of punishment from the camp authorities. In addition, the Thai authorities do not allow outsiders to stay overnight in the camp. These conditions partially affected my data collection plan.

Since Thailand came under military government rule after May 2014, the *so-called National Council for Peace and Order* (*NCPO*), the government has enforced restriction of movement for displaced persons in the nine refugee camps along Thai-Myanmar border. The movement of people in and out of refugee camps was under the supervision of Thai authorities. My interpreter suggested that I not collect more data in the camp during June and July 2014 that time. I thus spent only two weeks in Mae La refugee camp for my data collection, though I would have liked to collect more data. I thus faced with the problem of continuity of data collection.

I was concerned that accessing and interviewing displaced persons holding multiple identification documents and using them to go outside the camp for various purposes was likely to be difficult since they may keep this information confidential to avoid the risk of detection by Thai authorities. This affected me in finding interviewees. I thus used a snowball technique and tapped into a social network to find targets for data collection. The process of trust-building in order to reach the interviewees took time. This affected the overall data collection plan.

As this study involved cross-cultural research, I got assistance from interpreters in communicating with interviewees, particularly displaced persons in the camp. All conversations in the camp were conducted in Thai-Karen and Thai-Burmese. In case of interviewees who could communicate in English, the interviews were conducted in English. The information and data that I received from the interviewees were verified and clarified in order to avoid misinterpretation. However, I still consider that I may face with the challenge of discrepancy of data and understanding because of different perceptions between myself as a researcher and the displaced persons.

The results of this study may directly affect displaced persons who have multiple identification documents, particularly ones who use them as a tool to travel outside the camp, i.e. the results of this research may lead to strict confinement of displaced persons in the camp or strict checking of identification documents in border areas. However, the researcher hopes that this study can highlight the gap of policies

and implementation in term of identification documents for concerned agencies in order to facilitate alternative solutions that go beyond national security discourse.

1.9 Ethical Issues

All respondents for this study have been kept anonymous, and their names have been replaced with pseudonyms because of concerns about the security of the interviewees. The names and identities of interviewees will be kept confidential. Repercussions that may affect the respondents, particularly displaced persons, should be avoided. Moreover, before interviewing and observing target samples, consent was always obtained.

CHAPTER II
LITERATURE REVIEW

This chapter discusses literature reviews relating to my study about identification documents and displaced persons from Myanmar in Thailand. The chapter starts by discussing conventional trends in refugee studies, which is categorized under forced migration studies. Secondly, I illustrate how refugees and refugee camps are governed. Thirdly, I look into the studies of how refugee camps and border areas can be considered to be in a state of exception. Then, I discuss how the regime of identification looks like. Finally, I show the current trend in refugee studies, which considers refugees strategic agents. I then summarize the gaps of these studies in the last section.

2.1 Forced Migration Studies and Refugee Studies

Since migration is a complex phenomenon that crosscuts many issues and tie people, place and society together, study and research on migration is multidisciplinary academic areas, including history, population, political science, law, economics, culture, and so on (Castles and Miller, 2009) The field of refugee studies is categorized under forced migration studies in conventional migration theory which initially studies through push-pull factors, processes and practices of migration. The term "refugee" refers to persons who are forcibly displaced due to conflict-related reasons, not those who migrate voluntarily. This approach has made a distinct category for migration study, but it cannot illustrate the complicated phenomenon of migration in the era of globalization. In the same way as Castles and Miller (2009) also argue that the 'clear' classification fails to understand process of human migration.

In relation to above paragraph, Bakewell (2008), who studied forced migration relating to policy, argues that the restriction of forced migration study comes from setting categories, approaches and agendas where the research attempts to simplify the

diversity of forcibly displaced persons. However, these settings miss stories, histories, and cultures of displaced persons which are not perceived (Malkki, 1996 and Rajaram, 2002). However, the conventional forced migration approach influences refugee studies. I will give examples of 2 refugee studies. First, Brill (2012) studies the factors that influence the decision making of displaced persons in crossing borders. She frames her study by separating displaced persons into three groups: refugees, internally displaced persons, and migrant workers, as if those categories have never overlapped. In addition, the concepts, approaches, and methodologies the researcher used emphasize the existing migratory categories between voluntary and involuntary migration. It can be argued that this approach to forced migration still circulates around this distinction. It resulted in the matching of her case studies to simplified migration categories where the complicated process of migration is invisible and stagnant. Importantly, the relationship between those categories has been fixed by the researcher distinctly.

Conventional study on forced migration has been arguing that there is a lack of connection among actors, migratory process and social relation (Castles, 2003). From a sociological perspective on forced migration, Castles (2003) therefore proposed that forced migration is a process of social transformation in relation to globalization, global phenomena, and transnationalism. From this way, forced migration cannot merely be seen as a forced movement of people from place to place because dynamics of social change and interrelation between actors and spaces should take into consideration. Rather, the process interacts with transnational spaces. Additionally, displaced persons can be seen as multi-dimensional actors who have complex migratory process and crosscut the conventional categorizations of forced and voluntary migration, or, in other words, political and economic-induced migration. Importantly, there have been new terms and new actors that are inconsistent with the existing categorizations, such as mixed migration flows and an asylum-migrant nexus, which illustrate a blurred distinction of migratory inducements between involuntary and voluntary, for instance economy, livelihood, poverty, conflict, and political violence (Castles and Miller, 2009 and Van Hear, 2011).

Following this, Zetter (1991) coined the term 'refugee labeling' to elucidate that "refugee" are socially constructed by dominant refugee discourse which are produced by international organizations. Labeling also creates distinction and definition of the term "refugee" in order to include individuals who meet certain criteria in structures for international refugee protection, and exclude those who do not (Zetter, 2007). Therefore, the terms such as "fraudulent refugee", "irregular refugee", and "undocumented refugee" have been invented in order for "authentic refugees" to be differentiated from the rest.

Another study about refugees in the context of the Thai-Myanmar border is raised here to explain how refugee labeling functions. Moolma (2011) investigated how resettlement can be a durable solution for refugees in the context of the protracted situation in Thailand. Her study simplified displaced persons as a complex actors, to 'refugee' who conforms to the international refugee regime particularly international law relating to refugee, 1951 refugee convention and 1967 protocol on status of refugees. The practices of the international community and the state, including international organizations, non-governmental organizations, policy makers and governmental officers normally see displaced persons as victims in order to control and manipulate them, on the one hand. However, on the other hand, as a victim, displaced persons can access humanitarian, welfare and protection assistance (Zetter, 2007). Following Zetter's argument, refugee has been labeled on two levels. The primary level has been generated by international agencies through refugee determination processes according to international laws and policies relating to refugee status in order to designate who is a 'refugee' and who is not. Once refugee status has been granted, an individual can access humanitarian assistance and protections, so-called entitlements. The secondary level has been signified by state through national security regimes, including laws, policies and implementation. Even though status has been granted by international organization, whether or not refugee protection and welfare can be provided to displaced persons depends on state policies. According to Moolma's study, displaced persons who are inadequately qualified by either the international refugee regime or the host state are thus excluded from welfare

and protection. All in all, her study emphasized refugee labeling and the dominant approach of forced migration and refugee studies.

As migration is a complex phenomenon along with globalization, or social transformation according to Castles (2003), the reason that has induced migration may be difficult to be distinguished between willing and unwilling migration (Zetter, 2007). More importantly, this phenomenon has argued that existing international refugee law, particularly the definition of the term 'refugee', is problematic. Particularly, refugees can be seen by states and international organizations solely as 'passive actors' who wait for the assistance and protection of humanitarian agencies.

2.2 Governing Refugee and Refugee Camp

Refugees in the nation-state system can only be "outsider" in their country of asylum because they lack citizenship, which represents membership in the country. As outsider, they are thus under control and management, so-called governing.

The international refugee regime is an international mechanism including law, practices and agencies that have been created to protect refugees when a country of origin fails to protect its peoples' rights. In addition, the regime has proposed three durable solutions, which are voluntary repatriation, local integration, and third country resettlement (Keely, 2001). The three durable solutions can be considered instruments to terminate the cycle of displacement, particularly in protracted refugee situations. However, refugees are people who need to be confined in specific areas. That is why encampment has been implemented to manage refugee populations. Encampment is thus the policy which government and international humanitarian agencies apply to deal with those who have been forcibly displaced. In other words, encampment is the fourth durable solution, which places refugees in limbo while they wait for a better situation (Agier, 2011). It has been argued that encampment policies placing refugees in confinement devalues the human dignity of refugee, turning them into passive actors waiting for humanitarian assistance (Agier, 2011). Refugee camps are thus seen

waiting zones where refugees stagnate under camp governance and humanitarian assistance. The confinement always isolates and excludes refugee from outside world (Polianskaja, 2013).

Refugee camp can be seen as one technique of control in managing refugee population as "outsider" in cooperation between country of asylum and humanitarian agencies. Malkki (1995) argued that refugee camp is the invention of power where aims to confine space and people. Governing refugee camp has applied technology of power which discipline plays an important role which the act of control and the act of care negotiate (Lippert, 1999, Hyndman, 2000 and Agier, 2011). Moreover, the refugee camp contains with actors, such as government, international organization, designated local committee and refugees, themselves. The camp is thus the place where various sovereignties exercise their power for controlling and negotiating (Hanafi, 2010). Refugee camps can thus be seen as part of a structure of hierarchical power.

A refugee camp is a confined area where control and assistance overlap. However, Hyndman (2000) argued that humanitarian assistance always comes together with policing. Humanitarian work cannot be seen simply as a pure assistance. Rather, it is about power relations. She studied the power relations in Kenyan refugee camps by examining modes of management, practices, and disciplines employed to handle Somali refugees. She studied the power relations in a Kenyan refugee camp through modes of management, practices, and disciplines in order to handle Somali refugees. In one chapter of her book, Hyndman discussed how humanitarian agencies use technologies of power to control refugees in the camp. The techniques of power are based on management, monitoring, and isolation. She argued that refugee management practices can be understood through comparison with colonizer's practices towards. Hence, mapping, calculating, and filing can be seen as techniques of surveillance and control, which can be applied to explain refugee camps. In order to manage and govern refugees effectively, different techniques have been used to determine camp population numbers. She studied how techniques such as headcounts, situation reports, and refugee self-management were practiced by state and

international organizations refugees in the camp. She also argued that those techniques serve the purpose of control. Particularly, she observed that headcount as a calculation tool is an attempt to order refugees. Moreover, the counting technique can be seen as a political process because refugees need to be counted in order to access food and other entitlements. From this way, she argued that the relationship between humanitarian assistance and control lays down on a blurred distinction. On her study, she concluded that a refugee camp is, arguably, a strategic place to confine refugee populations, where the government of the country of asylum sets the rules and regulations and UNHCR and other humanitarian organizations take responsibility for implementation.

Though the international refugee regime has guidance for the governance of refugees that corresponds to international law and practices, countries of asylum have their own practices and management policies to deal with mass displacement of refugees. In case of Palestinian refugees, Hanafi (2010) studied the relationship between power, sovereignty and space in Palestinian refugee camps in 5 areas, including Lebanon, Jordan, Gaza Strip, Syria and West Bank in the Middle East, to illustrate how these refugee camps are managed. The researcher applied the notion of bio-power, a concept created by Foucault, to explain that refugees are people whose identities have been simplified to those of victim and survivor in order for humanitarian assistance to be provided to them. Within this dynamic, normal rights have been suspended, while welfare has been offered to refugees instead. Refugee management is predicated on policing in terms of control, and humanitarianism in terms of assistance. The study aimed to reconsider the refugee camp as regular space linked to the mainstream economy and society while states and international organizations still consider the camp in terms of security issue. The researcher proposed that the refugee population in the camps should get involved in governance, which will create a new mode of governance for negotiation between various actors. Moreover, this proposal can combat the old style of governance, which has an embedded patronage system.

As can be seen, governing refugee is a technique of knowing (Lippert, 1999). Knowing refugees makes it possible to govern refugees. Hence, techniques of

knowing as above mentioned studies are applied to manage and control refugee population in refugee camps.

2.3 Refugee Camp and Border as State of Exception

The Thai-Myanmar border is also a border space of interest to scholars, because the border includes a diversity of ethnicities, cultures, and goods, as well as 'otherness' and 'illegality' in the view of a nation-state. These two latter concepts refer to refugees, illegal immigrants, migrant workers, contraband, human trafficking, smuggling and trafficking in weapons and drugs, etc. The Thai-Myanmar border can also be seen as a hub of economic activity. Nine refugee camps are also located along the border, whose presence is a subject of controversy in Thai society.

Tangseefa (2007) studied how imperceptible refugees from Myanmar are in Thai temporary shelters. He argued that the refugees are not qualified to be political subjects, because they are not recognized as citizens in either Thailand or Myanmar, and are therefore so-called unqualified political subjects. Political subjecthood in the nation-state system is predicated upon citizenship. Thus, the story and predicament of refugees is imperceptible and inexistent in the political community. Tangseefa applied concept of Ranciere about politics and Agamben's bare life concept to describe refugees in the context of the Thai-Myanmar border using the term *imperceptible naked life*. Since refugees are unqualified life in a nation-state, they are located outside social perception and cannot receive protection as members of the state. Living in temporary shelters, using the term from the discourse of the Thai state, refugees can only be seen as victims waiting for aid from international relief organizations, while their suffering stories and life histories from conflict are not recognized by either the Thai state or international community. Since they represent imperceptible naked life, refugees are located outside of state protection, and therefore encounter various risks and violence. He also showed that education provided in temporary shelter recreates nationalism among members of the Karen ethnic group. He argued that this

demonstrates how limited the sovereign power of the Thai state is in the camp in terms of controlling.

However, it can be argued that his study on refugees in temporary shelters focuses particularly on the perspective of a top-down approach, which renders refugee passive actors who experience suffering in the system, and cannot react or resist. A state-centric approach can explain the context of refugees in Thai-Myanmar well, but refugees are able to employ various survival strategies. It can also be argued that being a victim and a vulnerable person cannot merely been inferior status, but displaced persons use the status of 'refugee' to negotiate with the controlling system to receive entitlements. In the same way, the status can be a tool to make refugees visible for protection and assistance. Moreover, his study did not consider the interconnect between temporary shelter and other areas such as border towns, because the camp and border is a nexus where refugee can cross the barbed wire barriers to seek better opportunities in the border areas. From this way, it is argued that refugee camp cannot completely confine refugees; instead, the confinement is porous.

The border is a heterogeneous space where the liberalization of a globalized economy and the sovereign power of the centralized state dominate the space and affect the everyday life of peoples. Pongsawat (2007) conducted his dissertation about how exceptional characteristics of border towns along Thai-Myanmar boundaries. His case studies are Mae Sot and Mae Sai, the western and northern Thai-Myanmar border. He terms 'the regimes of border partial citizenship', which sustain the sovereign power of the state to control people at border and nourish a liberalized economy by employing and exploiting people, in this case referring to illegal immigrants and migrant workers. This study illustrates that border partial citizens have been generated by classifying the status of those people in compliance with the law, under which they can receive benefits and welfare according to particular categories. However, depending on the classification to which people belong, they also experience different kinds of exploitation and abuse. In order to sustain this regime, the practice of state surveillance is essential. The practices can be seen in the assignment of various identification cards for minorities, and work permits for migrant

workers. The system of identification can guarantee temporarily legal status for immigrants in order for them to be exploited as cheap labor to support economic growth in border towns. However, It can be argued that this study describes it is arguable that this study illustrates 'border partial citizens' as stagnant actors who are passively controlled and exploited by the state regimes. In addition, the study primarily focuses on vertical hierarchies of power between the regime and citizen, while minimizing the relation of power among people, or border partial citizen in his dissertation, which, it can be argued that such forms of citizenship cannot be considered as homogenous identity.

Surprisingly, another dissertation about Mae Sot as the Thai-Myanmar border was conducted in similar timeframe, but using a different approach and aspect, which it led to different shade of border studies. It looks like the studies fill the gaps in each other's research. Lee (2007) studied Mae Sot as a border town, or, to use his term, a social border system. The argument of this study can argue Pongsawat's study about border town. Namely, Lee attempted to prove that Burmese people who live in Mae Sot actively engage with the existing system in the border town, i.e., they are not solely exploited and abused by the systems of control of the Thai state and capitalist economy, but rather they strategically seek opportunities to sustain their lives within the system, such as by playing hide-and-seek with the authorities and using different kinds of social networks. The researcher found that sovereign power of state does not solely dominate within the border towns, but there has been fragmented in powerful state. For example, corruption is considered one of loopholes that Burmese people exploit in order to survive within this system. Moreover, there have been various actors playing important roles within Mae Sot Township. These include not only the state, but also, for instance, the Karen National Union (KNU) as an ethnic organization, UNHCR as an international agency, migrant schools and migrant clinics where Burmese people can ask for assistance. Although it is undeniable that the state is a significant actor at the border, other actors as mentioned should be taken into account in order to obtain a clear picture of power relations at the border. However, it can be argued that even though Burmese people can engage as with the system in Mae Sot town as active actors, the more they engage, the more they are exploited and

abused, either consciously or unconsciously, in the space and regimes where they engage.

2.4 The Regime of Identification

Borders as contact zones where diverse peoples and cultures interact are somewhat obscure spaces (Santasombat, 2008). In order for the centralized state to govern and control, the space and peoples must be visible and legible from ambiguity and diversity. Therefore, being able to identify people and things is significant. In other words, the process of identification plays an important role as the state's tool for manipulating peoples, spaces and things (Lyon, Ball, & Haggerty, 2012). In case of people, the process aims to distinguish between citizens of the state and aliens, particularly ones who migrate illegally. Technologies of power such as identification cards, governmental cards, organizational cards, passports, fingerprinting, and photographs, etc. are crucial material in verifying and identifying people. The border is thus a surveillance space where the identity of people must be confirmed through various kinds of documents, otherwise they will be confined and eventually expelled from state territory.

Lyon (2008) suggests that the emergence of modern society come with surveillance society, which can be considered the way modern society organizes itself. Namely, surveillance society has thrived along with the development information technologies and modern bureaucratic systems in order to support building of the modern nation-state. Under, there have also been 'agents' and technologies to sustain the surveillance society. In the case of border towns and refugee camps, the centralized state expands its surveillance power through statist agents, for instance, the military, police, border patrol police, forestry officers, and immigration officers, etc., along with technologies such as registration systems, identification cards, documentary evidence, work permits, and passports, etc., so as to control and maintain the existence of modern state territory (Santasombat, 2008, and Lyon et al., 2012). The practices of a surveillance society are normally understood through checking,

identifying, ordering, classifying, categorizing, and other relevant methods (Lyon, 2008). Lyon (2008) also pointed out that surveillance society comes along with critical issues that are debated broadly, e.g. human rights, especially morality, the right to privacy, politics of exclusion, and legitimacy. Since the border is the first frontier where alien peoples, things, and actions are encountered, the state normally secures border spaces by penetrating sovereign power through statist agents and technologies of power.

Pongsawat (2007) and Lee (2007) described surveillance agents, such as police, military, border patrol police, and other governmental agents executing the practices of identification regime in border towns by checking documents. Pongsawat (2007) pointed that various kinds of cards such as Thai citizenship cards, minority cards and migrant worker cards are effective tools for distinguishing and manipulating populations at the border. The checkpoints along the streets and army and border patrol police patrols are obvious examples of the practice. Lee (2007) also pointed out that not only do identification cards and migrant worker cards play an important role, but other documents such as UNHCR certificates, KNU member cards, and migrant clinic cards are also used by Burmese people as protection materials when dealing with Thai officials.

The issue of identification cards in the Thai context is quite complicated. Apart from the citizenship card, there are different kinds of identification cards for the diverse ethnic groups who live in the border regions. Laungaramsri (2014) pointed that identification cards are significant in the context of Thailand. The documents tie bonds body, identity and citizenship together. Identification cards are considered one form of state control. Besides controlling, identification cards have another employment, which is linked to the provision of rights and welfare for the holders. She looked into the identification card system in Thailand, which classifies non-Thai citizens along the border using different color cards. These are then provided to minorities in Thailand. According to the color card system, group of holders has a different status and rights related to movement and employment etc. She argued that even though the system of identification cards in Thailand makes non-Thai citizens, particularly various ethnic

groups, easier to control and manage, these people typically use identification cards and color cards as strategic tools in surviving and demanding their rights.

In addition, it can be observed in many places that identification cards can play a role as a technology of power for controlling people. An identification card is a vital asset, particularly in special spaces like Palestine. The Israeli government unilaterally exercised hegemonic power in issuing identification cards for Palestinians since the start of occupation in 1967, whereby the biographic information of all Palestinians all biographic information of Palestinians was stored in an Israeli government database and used to control the movement of Palestinians. Palestinians who reside in each area hold different kinds of identification cards, comprising the orange cards for West Bank residents, maroon cards for Gaza strip residents, and blue cards for East Jerusalem residents, so as to identify where they come from. These must be shown to authorities whenever crossing borders. These categorizations obviously emphasize techniques of manipulation and control.   People without such identification cards will be treated as alien, although they may have been born or have family in occupied areas. The identification regime shapes these areas into surveillance society (Loewenstein, 2006).

Identification cards also play an important role in organizing population in countries, as can be seen in the case of Canada. Browne (2005) argued that Canada's Permanent Resident Card (PRC) is a system of identification and classification for controlling people and the border. Not only does an individual gain entitlements along with the card, but he or she must also follow regulations as set forth in the law regulations according to the laws. In other words, the PRC transfers unregulated population into the legible system of the state database, whereby the PRC holder is controlled by converting human bodies into simple data such as name, sex, height, weight, and fingerprints. Importantly, even though the card is called the 'Permanent Resident' card, it is only valid for five years. Hence, the holders must follow the regulations; otherwise citizenship status cannot be bestowed on them.

Similar to classification by identification system, there is the process of identification in refugee camps to manipulate the population on the one hand, and to

specify the restrictions, duties and rights of inhabitants on the other. Moreover, identification documentation operates as a critical tool in making refugees perceptible within society and the international community, as well as in confirming their identity. Feldman (2008) argued that although humanitarian process reduces whole ethnicities, with their own identities, cultures, and history, to the simplified identity of "refugees", as victims of conflicts (Jaji, 2012), Palestinian refugees used it to render themselves noticeable in international level. Feldman also argued that refugee cards and ration cards can confirm the existence of Palestinians who suffer from conflict. In this sense, identification cards bring Palestinians into the international community, which leads to provision of assistance. Even though it can be argued that refugee status as conferred through an identification card simplifies the complexity and diversity of Palestinians, the greater the number of Palestinian refugees, the more visible this critical problem becomes to the international community.

However, actors who consider a non-identifiable status a strategy to avoid state control may resist the identification regime. Ellermann (2010) studied the destruction of identity documents by illegal migrants in Germany in order to render them unidentifiable. Normally, identification documents such as citizenship cards and passports make individuals visible to the eyes of the state. The state can thus manipulate and control them in various ways. In the case of illegal migrants in Germany, they choose to be unidentified people, who the state cannot easily manage. For instance, the government cannot deport unidentified persons from its territory according to international law. Hence, the government has to find other solutions to deal with those people. Even though illegal migrants can escape coercive action, such as deportation, they may, nonetheless, face other measures due to lack of documentation, such as detention and restriction of movement. Hence, it cannot be concluded that those unidentified subjects can be free from the sovereign power of the state. More importantly, not all states rely on humanitarian reasoning in managing illegal immigrants, but the reason is always predicated on national security.

2.5 Refugee as Strategic Agent

Reviewing contemporary literature review on refugee studies in the context of the Thai-Myanmar border, it has been found that there has been a significant shift from a conventional approach to new areas of forced migration studies is that study refugee as strategic agent. Many studies cast light upon the complexity of displaced persons as actors who interact with various spaces, such as refugee camp, and borders. Moreover, they examined refugees as purposeful, strategic, and active actors (Grivijitr, 2006; Olsen and Nicolaisen, 2011; Lee, 2012; Rangkla, 2013 and Polianskaja, 2013), expanding refugee studies thereby expanding the field of refugee studies to new areas.

The refugee situation in the context of Thailand has been considered a protracted refugee situation, where more than 100,000 displaced persons have been forcibly displaced from Myanmar for almost 30 years (Loescher et. al, 2008). Accordingly, the questions of home and sense of belonging are significant to these people. Grivijitr (2006) studied the Karenni ethnic group as a diaspora people living in a refugee camp in Mae Hong Son. His study found that Karenni diaspora members reconstructed their identities after displacement through interaction with the diverse communities around them, in order to position themselves in each society. In other words, they reconstructed their identities their identities were reconstructed through negotiating, assimilating, acculturating and interacting. Over time, a dominant Karenni identity has been established in the diaspora community, from which individuals might be included or excluded. This study illustrated that the diaspora identity has been slippery and linked to spaces. However, Grivijitr proposed that identity of Karenni diaspora members confronts a triple dilemma, explained as follows. First, they usually imagine their home to be where they belong. However, due to armed conflict, they cannot go back. Additionally, their home has also changed over time. Their home is thus an imagined community that they can never reach. Second, they have to live under diaspora conditions, where their identities have been reconstructed and only exist temporarily. Third, since they have lived as diaspora for life, they thus have to move continuously to elsewhere; nonetheless they could not know where it is.

Over all, this study has described Karenni refugees as diaspora members, whose identities are fluid and change over time to allow them sustain themselves. Moreover, the study has raised critical questions about the definition of 'home' and the significance of a sense of belonging. However, this study primarily focuses on Karenni ethinic group that cannot show relation of power to the others. Even though the researcher provided how complex the diaspora is, he did pay less attention to the means of becoming diaspora than to the end result.

Studying marginalized people as strategic agents is a current trend in refugee studies and border studies. Olsen and Nicolaisen (2011) used the terms 'borderlander', referring to the Karen ethnic group as an active actor seeking opportunities within border regions as spaces controlled by various actors. The study illustrated how borderlanders use their social networks in each physical space such as Mae La refugee camp, Mae Sot district and Myanmar, shifting their identities among different spaces and across existing categorizations. The researchers found that Karen people understand special situations and existing actors in different spaces along Thai-Myanmar border well. They thus engage strategically with existing systems to seek opportunities. Moreover, this study describes networks such as social networks, kinship networks, and ethnic networks that allow Karen people to move between the border lines as well as to move between setting classifications. Viewing Karen people as strategic agents shows how they use different kinds of resistant strategies when dealing with powerful state actors. This study argued that Karen as marginal people cannot be considered victims of existing power systems along the border, but rather seekers of opportunities within said system. However, this study quite put optimistic perspective to people who live and engage themselves along the border, where the state and its agents have great power in manipulating, exploiting and violating people during states of emergency. On the contrary, Karen may unconsciously act as strategic agents in a state of violation and exploitation. In addition, it did not show who is included and excluded from different kinds of social networks. More importantly, this study paid much attention to vertical relation of power between the Karen, as marginalized people, and the state, whereas it did not mention much about horizontal relationships of power within Karen ethnic groups and between ethnic groups.

Social networks also play an important role in linking refugees to the world outside refugee camps (Lee, 2012). Lee (2012) studied how Karen refugees create social networks even though they live in the camp under the control and surveillance of Thai state. The researcher pointed that the networks of different types, such as aid, education, religion, family, ethnicity, and technology-based networks, can build the relationship between refugees and outside the camp. This study intended to shift the image of refugee from a passive actor to active actor. Moreover, it illustrates that not only can a social network be created using the abovementioned methods, but Karen ethnicity can also be imagined through such methods by linking Karen people from different territories, including refugee camps, Mae Sot town, Karen state, and overseas. Specifically, refugees in different territories also use religious networks link themselves together.

In addition, refugees who are confined through encampment can also be seen as strategic agents trying to escape confinement to access better livelihoods. Polianskaja (2013) studied the encampment policy of Thai government in Nupo refugee camp, located in Tak province. The researcher argued that although encampment intends to isolate and exclude refugees from the outside world, as well as restrict their mobility, refugees can seek opportunities to sustain their lives in different ways. This study also consider refugee as active agents who use different kinds of strategies for survival on the one hand, and for opposing the manipulation of host countries and the international refugee regime on the other hand. Hence, refugees are not just passive actors waiting for humanitarian aid, but rather ones who can create their own opportunities. In this case, refugees understand situations where they can decide whether they stay in the camp or they are mobile outside the camp and overseas for better opportunities. Moreover, the researcher found that the mobility of refugees outside the camp comes across transverse the existing durable solutions of repatriation, local integration and third country resettlement provided by UNHCR.

To challenge these solutions, Rangkla (2012 and 2013) argued that existing durable solutions cannot respond to real refugee situations because refugees have not confronted the same situations and problems. In other words, one size cannot fit all

solutions. The studies argues that there have been other options besides voluntary repatriation and the third country resettlement for dealing with refugee problems, such as self-settlement. Self-settlement is the option that makes an argument towards encampment because refugees are normally protected in the refugee camps. Those who stay outside the camp are vulnerable to various risks. The researcher studied how Karen refugees self-settled in Thai society by creating social relationships between themselves and Thai villagers, so-called de facto local integration. The study also illustrates that this alternative provided some rights and protections to refugees; however, such rights and protections come from reciprocal relationships between the Thai local communities and refugees (Rangkla, 2012). Self-settlement in Thai local community considered an alternative solution to the protracted refugee situation. Moreover, mobility outside the camp, including border town, mega cities and country of origin is also seen as strategy of Karen refugee. Rangkla (2013) emphasized that refugees are strategic actors who actively seek out opportunities and it can be seen that their strategies usually cut across any clear distinction between voluntary and involuntary migration, as well as between politically induced migration and economically induced migration.

Likewise, Walter (2013) studied the reasoning of refugees in Tham Hin camp, located in Ratchaburi province, who did not choose third country resettlement as an option. The researcher found that even though third country resettlement can fill the protection gap and offer the possibility of becoming citizens of the particular country where they resettle, some of refugees in Tham Hin considered that informal protection systems could be created through family and kinship social networks. Thus, they decided not to resettle to a third country, instead staying in the refugee camp. In this case, they showed themselves to be rational actors in making a decision by comparing costs and benefits. However, being a strategic agent does not only provide opportunities. There are risks that should take into account, to which these studies pay less attention. Being a strategic agent cannot guarantee that a refugee will have a sustainable livelihood, to the contrary, they must still face risks such as violence and exploitation.

2.6 Summary

The literature reviews shows that conventional forced migration studies and refugee studies cannot provide enough understanding for refugee situation in the context of Thailand. Refugees have a complex migratory process, and should be viewed in all their complicated dimensions. Importantly, the approach illustrated in the studies I review still considers refugees as stagnant actor and simply classifies them into set categories.

To the contrary, a counter-conventional approach illustrates that refugees are actually strategic agents who actively interact and engage with control systems so as to seek opportunities across restrictions. As strategic agents, it seems that refugees can negotiate or ultimately resist the sovereign power of state. However, it is arguable that sovereign power of state is cruel because the power can be seen in various ways, particularly in state of emergency. Hence, refugees may act as strategic agents in a state of violation, exploitation and manipulation. Then refugees, themselves, have to confront various kinds of risks, and, simultaneously, the opportunities which they can access. That is why refugees need tools for protection.

From the literature review relating to borders and refugee camps, these can be considered as states of exception where identifying peoples is a crucial process and identification documentation is a technology of control. The identity of people must be confirmed through various documents. However, study on how identification documents relate to refugee has seldom been seen. This thesis will illustrate how identification documentation plays a role as a technology of governance and a technology of negotiation in the context of the refugee situation in Thailand.

As described in recent refugee studies, refugee can draw on social ties created through family, kinship, ethnicity, and religion, etc. as their strategy. It can be argued that refugees apply their own capital as a strategic tool to negotiate with the controlling power. However, these refugee studies on how refugees apply other

strategies to seek better opportunities. This knowledge gap still needs to be filled. This thesis will thus show how refugees use identification documents as strategic tools in negotiating for better opportunities.

Additionally, a study on identification documents relating to refugees will, hopefully, offer a better understanding of the refugee situation within Thailand and in the Thai-Myanmar border landscape.

CHAPTER III

MAE LA REFUGEE CAMP AND MAE SOT TOWNSHIP AS A
STATE OF EXCEPTION

3.1 Introduction

In this chapter, I draw upon the idea of a "state of exception" as presented by Agamben (1998 and 2005) which I apply to describe circumstances in Mae La refugee camp and Mae Sot Township. Through the exploration of multiple documents and perspectives, the chapter thus discusses how the locations can be understood as exceptional space. I selected Mae La refugee camp and Mae Sot Township to be my research sites because both locations are nexus as characteristics of border area. This chapter is divided into two parts: Mae La refugee camp and Mae Sot Township. The first part starts by introducing Mae La refugee camp as my first research site. I then describe general information regarding Thai Government policy towards displaced persons from Myanmar. Subsequently, I illustrate exceptional governance in Mae La refugee camp through camp management structure. The second part starts by discussing general information about Mae Sot Township. I illustrate how Mae Sot can be considered as a space of negotiation by various actors. I thus argue that a state of exception exists within state of exception itself at Mae Sot as a border town.

3.2 Mae La Refugee Camp

At the beginning, I carried out the study in Mae La refugee camp located in Tha Song Yang district, Tak province, Thailand. Mae La refugee camp is the largest of the nine camps along Thai-Myanmar border, covering 1,150 rai, or 184 hectares. It also accommodates the largest population of displaced persons, with approximate number of 44,771 people (TBC as of August 2014). The majority of the displaced people living in the camp are of Karen ethnicity, at 83.9 percent, whereas Burmans represent 2.7 percent, and other groups another 13.4 percent (TBC, 2014). Mae La

camp is called by displaced persons living in the camp and local people surrounding the camp by the name of "Beh Klaw", a Karen term meaning "cotton field", since the area, before Thai government founded the "temporary shelter", was the place where local people cultivated mainly cotton crops at Thai-Myanmar border (Wichaidit, 2004). Mae La refugee camp was established in 1984 after the Karen Nation Union (KNU) regiment was attacked by Burmese military. The KNU leader negotiated with the Thai government to establish the camp for the first wave of Karen displaced persons. Later, the 1995 fall of Manerplaw, the Headquarter of KNU base, and situations of unrest along the Thai-Burma border led the Thai government to formalize Mae La as a refugee camp (Lang, 2002). Before the enlargement of Mae La refugee camp, displaced persons lived in five smaller temporary shelters along Thai-Myanmar border, including Ka Maw Lay Kho, Kler Kho, Shoklo, Mae Ta Wor, and Mae Salit. The population of these smaller shelters was relocated to Mae La refugee camp in April 1995, due to the Thai government's increasing concern over security problems, especially during the fighting between the Burmese military government and ethnic army groups between 1960s-1980s (Senate, 2008 and South, 2011). It takes approximately an hour to drive to Mae La from Thailand's Mae Sot Township, and it is located eight kilometers away from the suture of Myanmar border. For ease of management, the camp is divided into three zones: Zone A, Zone B, and Zone C with subdivision of 21 sections[1] (Figure 2, UNHCR, 2014). Zone A consists of the populations who moved from Shokol camp and former KNU members. This zone does not have a high population. Zone B consists of various ethnic groups such as Karen, Burmese and Muslim. There is a small canal flowing across the zone. Zone C is the first area where displaced persons settled. It consists of various ethnic groups, but the majority of population is Muslim. It houses the camp commander office, the refugee camp committee, and a market as a Mae La refugee camp landmark (Wichaidit, 2004).

---

[1] Zone A is comprised of five sections, which are A1, A2, A3, A4 and A5. Zone B is comprised of eight sections which are B1, B2, B3A, B3B, B4A, B4B, B5a and B5B. Zone C is comprised of eight sections, which are C1A, C1BA, C1BB, C2, C3A, C3B, C4 and C5 (UNHCR, 2014).
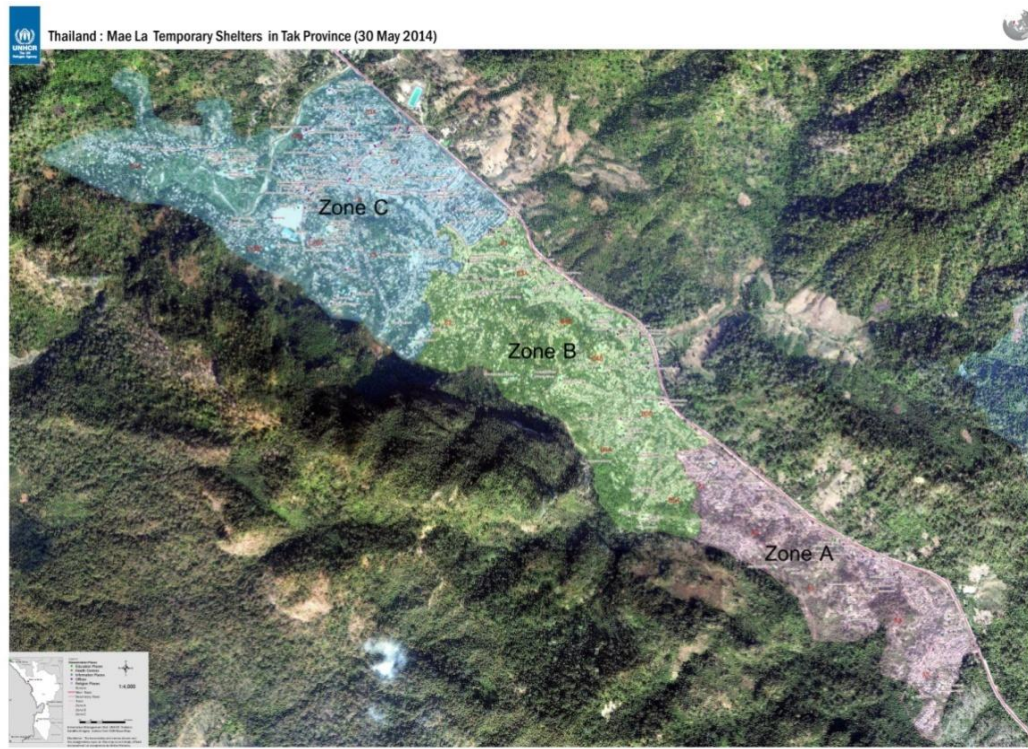
Figure 2 Map of Mae La refugee camp. Source: Thailand-Myanmar Cross Border Portal, Information Management Common Service (IMCS), UNHCR 2014

From my observation, Mae La refugee camp looks like a rural ghetto (Figure 3). The shelters in Mae La refugee camp are made of bamboo with thatch. The camp is comprised of public services such as a hospital, a school, and a warehouse; spiritual places such as temples, churches, and mosques; locations for business activities, such as markets, peddler stalls restaurants, shipping agency, and internet shops etc., and small branch offices of humanitarian agencies. Displaced persons in Thailand consider Mae La camp to be the education and health services center for the nine refugee camps in Thailand because it is comprised of more than 50 schools and 2 hospitals (Chalamwong, Thabchumpon, & Chantavanich, 2014). The Deputy District Chief from the Ministry of Interior (MOI) as camp commander is the Thai government representative who is primarily responsible for the camp. Inhabitants recognize the camp commander office as the administrative center of the camp. Moreover, the Thai Ranger Army and Territorial Defense Volunteers are state security agents who take responsibility for security issues inside and outside the camp. The Thai Ranger Army is supervised by the fourth infantry regiment based in Mae Sot Township. The role of

the army is to demarcate the camp territory by setting checkpoints at the entrance and exit along the road outside the camp. For, Territorial Defense Volunteers are supervised by the camp commander under MOI. They take responsible to survey the shelters and screen displaced persons in and out the camp (Moolma, 2011 and Wichaidit, 2004).

Figure 3 Mae La Refugee Camp, Photo from Feild Work during June-July 2014

Among 15 semi-structured interviews in Mae La camp, I found that those displaced persons I interviewed fled to Thailand to seek sanctuary because they were affected either by the Burmese military or ethnic army groups in different ways. The main reasons given included subjection to forced labour, forced relocation, land confiscation, and arbitrary tax solicitation by Burmese military and other ethnic army groups, whereas only one respondent answered that she fled to Thailand because she was affected directly by fighting between Burmese military and ethnic army groups (Bo, pers. comm., Jun 20, 2014). Interestingly, three new arrivals informed me that they fled to Thailand because their lives in Myanmar were difficult for them, as they had no land for agricultural activities and no employment (Ko Ra and Day Mae, pers. comm., Jun 19, 2014 and Tun Nwe, pers. comm., Jun 17, 2014). Even though the reasons I got from them cannot explain the whole picture for the population in the camp, I think that those can refer some significant points. I argue that the trend of

persons fleeing to Thailand to seek asylum has shifted from being caused by the direct effects of the conflict to indirect causes, because the number of situations of unrest due to ethnic conflict decreased since 2012 (KHRG, 2014). According to the Karen Human Rights Group (KHRG) (2014), human rights abuses relating to armed conflict, such as army attacks on civilians, forced labor, and numbers of landmines have noticeably decreased in the Karen community of Southeastern Myanmar since the ceasefire agreement in 2012. However, the report showed that new patterns of human rights abuses, such as land confiscation, arbitrary taxation, sexual abuses, drug trafficking, arbitrary arrest and detention, torture, and extrajudicial killings are pervasive in the Karen community. These abuses are committed by various actors, including the Myanmar military, Border Guard Forces (BGF), the Democratic Karen Benevolent Army (DKBA), and the Karen National Liberation Army (KNLA). Hence, people who experience the indirect effects of the conflict have made the decision to seek asylum in Thailand, as expressed by Zar Taw, a Mae La camp resident:

"I could not enter to the school regularly because there were unrest situations spread in my village…My schools often closed…my education disconnected because they fought…this brought to seek a better place for study." (Zaw Tar, pers. comm., Jul 01, 2014)

Most of my respondents expressed to me that living in Mae La camp is better than living in Myanmar, as Kaw Pha expressed:

"I feel more secure here than living in Myanmar…I can be arrested as I am not legal here, but in Myanmar, I could be killed (Kaw Pha, pers. comm., Jun 18, 2014)."

From this way, it can be arguable that displaced persons who fled to Mae La camp had different reasons for leaving their country. They were either forcibly induced to flee, or left voluntarily due to a variety of factors, including fighting, conflict, poverty, and lack of development. The camp is thus considered as a contact zone.

3.3 Thai Government Policies towards Displaced Persons from Myanmar

Thailand is historically a refugee host country. Thailand hosted people displaced during the 1970s by the Indochina War. The international refugee regime provided relief during this situation. There were three approaches to handling Indochinese refugees during that time comprising the Comprehensive, Cooperative and Collaborative solutions. The term "comprehensive" refers to appropriately applying three durable solutions for refugees. The solutions were limited solely to third country resettlement and repatriation. The term "cooperative" refers to burden sharing in which the international community participated in dealing with the refugee situation. Finally, "collaborative" solutions refer to joint participation among United Nations agencies and international civil society (Vungsiriphisal et. al., 2014). It is noteworthy that Thailand still formulates these approaches to deal with displaced persons from Myanmar.

Thailand is not a signatory to the 1951 convention and 1967 protocol relating to status of refugees because the government considered that the provisions of these instruments was detrimental to national sovereignty and national law (Department of International Organizations, 2000 cited in Tangseefa, 2007). Hence, there are no national legal frameworks for dealing with refugees, and policies on refugees have usually been formulated through cabinet resolutions (NSC, 2012). In this way, Thailand is not obligated to provide refugee rights corresponding to international law to displaced persons from Myanmar. In addition, Thailand has never used term "refugee" in official documents in referring to the displaced persons from Myanmar. Rather, the terms "displaced persons fleeing fighting" (*Phu Nee Phai Chak Khan Su Rob*) or "displaced persons fleeing from persecution" (*Phu Nee Phai Chak Khan Pra Hat Pra Harn*) are coined by Thai state in order to define these displaced people (Vungsiriphisal et al., 2014). The term "displaced person" is defined by the Thai state as *Persons who are not counted as refugees, but due to any reasons, have fled from their habitual residence but have yet lost their nationality. Their migration into*

another country is considered as illegal under the immigration law of that country (sic) (Chumak and Nualsuwan, 1982 cited in Vungsiriphisal et al., 2014). According to MOI, MOI defines displaced persons as persons *who according to the immigration law illegally immigrate to the national territory due to chaos, fighting or war* (sic) (Lang, 2002). This term differentiates displaced persons from other illegal immigrants, such as illegal migrants. Thailand also sees those displaced people as "illegal immigrant" who enter Thai territory illegally and are pending deportation per the 1979 immigration act. Referring to international migration terminology, those displaced persons can be considered as prima facie refugee[2] (Huguet and Chamratrithirong, 2011). Displaced persons living in refugee camps can be categorized roughly into three groups: displaced persons accepted by the Provincial Admission Board (PAB)[3] as displaced persons fleeing fighting; unqualified displaced persons pending return after the establishment of a ceasefire; and displaced persons awaiting screening-in process (Vungsiriphisal et al., 2014).

For the past three decades, Thailand has provided temporary shelters to displaced persons from Myanmar according to political and humanitarian principles. It has applied three approaches including encampment, burden sharing, and durable solutions to deal with displaced persons from Myanmar. Due to national security concerns, an encampment policy has been implemented to confine the displaced persons in "temporary shelters" which is a place for displaced persons to stay while

---

[2] The definition of refugee (prima facie) is *"Persons recognized as refugees, by a State or UNHCR, on the basis of objective criteria related to the circumstances in their country of origin, which justify a presumption that they meet the criteria of the applicable refugee definition."* (Perruchoud and Redpath-Cross, 2011). In case of Thailand, displaced persons can only be recognized as if they are refugees. The Royal Thai Government is not obligated to provide any assistance because refugee status does not exist under Thai law, and the government is not signatory to the refugee convention, as an MOI official mentioned to me saying that "we have devoted only manpower to work for those displaced persons and some lands for setting up temporary shelters…They are only allowed to stay in the shelter, and wait to return to their country…in terms of assistance, we have cooperated with international organizations to help them meet their basic needs and prepare them for return to Myanmar and third country resettlement (MOI official, pers. comm., Jul 29, 2014)."

[3] The Provincial Admission Board, abbreviated PAB, is an official mechanism for determining displaced person status in Thailand. It is comprised of 8 provincial bureaucrats including the Provincial Governor, Deputy Provincial Governor, district military commander, local immigration police, border police, the Chief of the district intelligence operations unit, provincial protection officer (PPO) and Assistant to the PPO, plus a UNHCR representative. Its function is to screen displaced persons arriving in the refugee camps. Likewise, it also screens out people who are not determined to be displaced persons fleeing fighting (Vungsiriphisal et al., 2014).

waiting to return to their country of origin. The temporary shelter is only the place where displaced persons are permitted to stay legally. Hence, the Thai government has officially restricted their rights to mobility and employment outside the camp. Despite its unwillingness to provide full legal status to the displaced persons, Thailand has cooperated with the international community and donors in providing humanitarian assistance such as food, education, health services and vocational training for displaced persons in temporary shelters.

The policy on displaced persons from Myanmar shifted from the provision of humanitarian assistance to a search for solutions in 2005. It could be said that the displaced persons waiting to return to their country of origin were considered by Thai state an aid burden. Repatriation before reform in Myanmar was not possible due to political instability in Myanmar; therefore, the Thai government accepted third-country resettlement as a solution to the protracted refugee situation (Chantavanich, 2011). It appears that third-country resettlement, in terms of burden sharing, is an appropriate option for this protracted situation. Local integration is not an official option offered by the government, because of concerns about national security, economics, and the impact on Thai citizens. Local integration can also be a pull factor for new displaced persons (Vungsiriphisal et al., 2014). MOI official reconfirmed:

> "Displaced persons usually know that they have temporary status
> in Thailand, where they have two options: return to their country
> of origin, or third-country resettlement (MOI official, pers. comm.,
> Jul 29, 2014)."

Even though Thailand is not a member of the refugee convention, the policies towards displaced persons from Myanmar is balanced between national security and humanitarian objectives (Vungsiriphisal et al., 2014), as stated in national strategy on illegal immigrants (NSC, 2012).

In the Thai bureaucratic system (Table 1), there are several Thai governmental offices responsible for issues related to displaced persons. The National Security

Council (NSC) is primarily responsible for formulating policy and strategy towards displaced persons, and it has proposed two approaches. First, displaced persons should be confined in temporary shelters. Second, Thailand only permits them to stay temporarily, pending either resettlement to a third country or return to country of origin (NSC, 2012). The Ministry of Interior (MOI) adopts policy from the National Security Council for implementation. There two bureaus within the MOI that are responsible for this: the Operations Center for Displaced Persons (OCDP) unit and Internal Security Affairs Bureau (ISAB). The OCDP is under the supervision of the Foreign Affairs Division Office, the Permanent Secretary for the Interior, which takes responsibility for policy regarding displaced persons. The ISAB is under the supervision of Department of Provincial Administration, and takes responsibility for implementing the policy on the ground (MOI official, OCDP, pers. comm., Jul, 29, 2014). Overall, the main responsibility of ISAB is to monitor the nine temporary shelters along the Thai-Myanmar border and the displaced person population. The Minister of Foreign Affairs (MFA) has a duty to cooperate with the international community to efficiently handle issues related to displaced persons. The Department of Border Affairs (DBA), under the supervision of the Ministry of Defense (MOD), implements the policy on the ground focusing on the security of the country, such as controlling the flow of people across the border (Vungsiriphisal et al., 2014).

Governmental Office	Ministry	Area of Responsibility
National Security Council (NSC)		1. To coordinate at the policy level between the ministries and the military regarding security issues at the border areas, including displaced persons. 2. To advise the government regarding displaced persons.
Operations Center for Displaced Persons (OCDP)	MOI	1. To apply the policy regarding displaced persons.

		2. To coordinate with humanitarian agencies in regard to humanitarian programs, assistance and permissions. 3. To advise the MOI on policy formulation for displaced persons.
Internal Security Affairs Bureau (ISAB)	MOI	1. To implement the policy regarding displaced persons on the ground. 2. To be the representative of the state in managing displaced persons in temporary shelters along the border.
Ministry of Foreign Affairs (MFA)	MFA	- To cooperate with the international community in handling displaced persons.
Department of Border Affairs (DBA)	MOD	- To monitor and supervise security issues on the ground, particularly in temporary shelters along the border.

Table 1 The role of Thai governmental offices on displaced persons from Myanmar; contents adjusted from Vungsiriphisal et al., 2014

3.4 Governance and Management Structure in Mae La Refugee Camp

The Thai authorities are not the only actors when dealing with displaced people on the ground. In fact, the management of the people and the camps involve activities beyond military-based security issues. In Mae La refugee camp, for example,

there are three main parties, consisting of the Thai authorities, humanitarian agencies, and the displaced persons themselves, each of whom manage the refugee camp and population on the ground in different sectors and on different levels as follows:

3.4.1 Thai Authorities

In terms of national security, the Thai government has formulated security policy on displaced persons. The policy relates to the control of displaced persons and monitoring the refugee camp. The Thai authorities, such as the assistant chief district officer from MOI, the so-called *Palat*, as the camp commander, paramilitary force, border patrol police, and territorial defense volunteers play this role.

3.4.2 Humanitarian Agencies

Humanitarian agencies, such as non-governmental organizations)NGOs (and different UN agencies, principally the UNHCR, assist and protect displaced persons by providing basic needs, rights, and welfare such as food, shelter, health, education, livelihood and legal assistance etc.

3.4.3 Local Administration

Local administration as self-governance running by displaced persons themselves such as refugee committees, camp committees and Community Based Organizations (CBOs), administers and assists health services, education, aid supplies, security, judiciary services, women, youth and other camp activities (TBC, 2012 and Saltman, 2014). At this point, I will describe more regarding the camp structure (Appendix A).

Refugee committees play a role as representatives for displaced persons living in the refugee camp. The committees oversee the administration of the refugee camps and act as intermediates between displaced persons and the Thai authorities and humanitarian agencies.

Camp committees take responsibility for internal camp activities. The committees play a role as coordinators in the supervision of the camp population. They also communicate with Thai authorities and humanitarian agencies regarding internal activities.

The Zone and Section Committee is the lowest administrative level in the refugee camp, which adopts camp regulations from the camp committees and implements these in each zone and section. There are leaders in each particular zone and section to supervise their population. In the case of Mae La refugee camp, there are 3 zone leaders for zones A, B, and C, and 21 section leaders according to area divided.

Importantly, as can be seen by examining camp structure (Figure 7), it has seen power relation among such agents where power attempts to control the space and population, on the one hand and power, on the other, is negotiated for existence and subsistence. In this way, the refugee camp can be described as an exceptional space where different actors exercised their powers. Analytically, sovereign power has been transferred from the state and international agencies to small sovereign powers, such as section, zone, and camp committees, which have been established to control and monitor the population in a form self-governance, in order for displaced persons to be self-disciplined (Foucault, 1991 and Agier, 2011). To analyze this from a different perspective, this model is not exactly a system of hierarchical governance. Rather, in reality, refugee committees and camp/zone/section committees are not submissive. Instead, they negotiate actively with the Thai authorities and humanitarian agencies. (McConnachie, 2012)
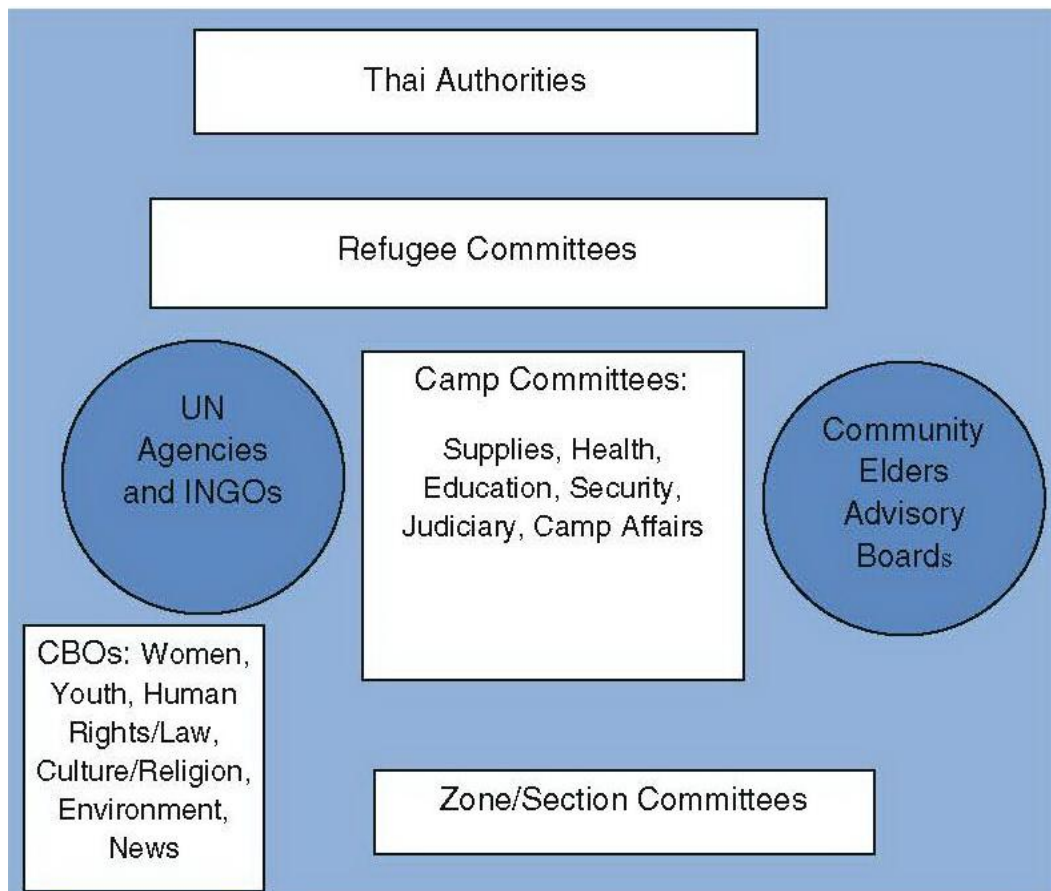
Figure 4 Governance and Management Structure in Mae La Refugee Camp

3.5 Mae La Refugee Camp as a State of Exception

This thesis applies the concept of "state of exception" as presented by Agamben (1998 and 2005) to explain the situation in Mae La refugee camp. A state of exception is described as a special situation where the sovereignty of the state faces threats in a time of emergency. In this state, the government announces exceptional rules and regulations, and interrupts the conventional legal framework. Such rules affect individuals because they are deprived of their usual rights in compliance with the law. A state of exception can be sustained until it becomes the norm for certain areas, such as war zones and refugee camps. In this way, the space under a state of exception is ambiguous between legality and illegality, where individuals are merely "bare life", only recognized as biological beings lacking of social being as form-of-life. Bare life refers to life without any protections. For instance, citizenship as social being of people is ripped off when the State announces a state of emergency.

Individuals thus become vulnerable to being killed with impunity. In this section, I argue that the concept of a state of exception can be applied to describe to the context of Thai refugee camps.

A refugee camp as a state of exception is established through implementing new forms of rules and regulations, but suspending conventional legal framework. The exceptionalism of a refugee camp emerges when new forms of rules and regulations are implemented in everyday life. It can be said that a refugee camp is a part of state territory, but, paradoxically, is located outside ordinary national law (Agamben, 2000). Initially, a refugee camp is devised to protect and assist refugees forcibly displaced by conflicts and war. However, the camp is predicated on two crucial concepts: controlling and caring (Malkki, 1995). The former refers to the camp is special space within the state to manage and control refugees as non-citizens. The camp thus creates a spatial separation between ordinary society mediated by the state, and non-citizens that must be managed. The latter refers to the camp is the place where protection and assistance are transferred to suffering refugees. It can be argued that the refugee camp is ambiguous space where humanitarian and security issues overlap. Like Agier (2011) argued about the camp as extra-territorial space in that the line between policing, the hand of control, and humanitarian assistance, the hand of care, are blurred. Since the normal state of law is suspended, the new rules are applied as norms for governing refugees in the camp. The exceptional rules are set by sovereign power and placed on disciplinary practices for spatial and population management (Malkki, 1995).

In a state of exception, refugees, whose citizenship as their form-of-life has been ripped away, are turned into "bare life", life without protection based on civil rights of state. Refugees are thus placed in two exceptional contexts: exceptional space and exceptional entitlements. The former refers to refugee camps where new forms of regulations are employed, on the one hand, by the host country and the humanitarian regime in order to control displaced persons, who are mostly non-citizens, as well as to provide humanitarian assistance, apply for refugees, on the other. In addition, entering and exiting the refugee camp are not possible without permission. This thus confirms how exceptional the camp is. Exceptional entitlements refer to assistance

based on philanthropy and humanitarianism shifting from universal human rights to humanitarian relief (Tangseefa, 2007 and Agier, 2011). Nevertheless, it can be argued that even though a state of exception is drawn in the refugee camp, refugees living inside are not simply "bare life", given that those special rules and regulations assign them a new form of life giving them the label of "refugee" (Zetter, 1991, Bauman, 2002, and Das and Poole, 2004). Obviously, restriction of movement is one of the special regulations applied to refugees. Following Ranciere (2001), it can be said that refugees are included in the international community through humanitarian relief which provides some assistances and protection to non-citizens. Nonetheless, they cannot be counted in universal human rights, which are kept for citizens as members of a nation-state.

A refugee camp is exceptional space devised to control and care for refugees temporarily because the population living in the camp is waiting to return to its country of origin. Refugees may be placed temporarily in the camp until their home is ready for them to return. Following this, the "temporary" existence of displaced persons from Myanmar has lasted in for more than 30 years within Thai society during which time these people have spent their lives from generation to generation in the nine refugee camps along the border. Thai law based on national security policy, such as cabinet resolutions on illegal immigrants and immigration law, has been enforced with regards to displaced persons in Thailand whenever they put their feet on Thai territory. In context of refugees in Thailand, it is arguable that political and civil right of displaced persons from Myanmar have ripped off which basic rights, such as right to movement and right to work, are not permitted officially when they have lived in Thailand. They can only be legal in the camp where they are authorized to stay and access assistance. Limitation of rights and particularity of rights are exceptional in a refugee camp. Since these kinds of regulations have been employed for 30 years, they have become norms which displaced persons living in the camp usually follow.

In Mae La refugee camp, displaced persons live without freedom of movement outside the camp. Displaced persons inside depend on humanitarian aid. This has turned people into passive actors. In addition, the programs offer opportunities to build

preparedness for them in order to resettle to a third country, or return to their country of origin. The common programs that have been authorized are provision of basic needs, e.g. food and non-food items and basic rights, e.g. health services and educational services etc. (MOI official, pers. comm., Jul 29, 2014). The humanitarian assistance provided in the camp can only meet displaced persons' needs. In terms of food, The Border Consortium (TBC), a consortium of Non-Governmental Organizations (NGOs), provides a "ration" of humanitarian assistance to displaced persons in the camp. The list of food items such as rice, fortified flour, yellow split peas, fish paste, salt, and vegetable oil are distributed monthly to displaced persons by the organization (TBC, 2012). Additionally, non-food items such as bamboo poles, eucalyptus poles and roof thatching etc. are also distributed to the people (TBC, 2010). Later, the policy on displaced persons in refugee camps has been shifted because it avoided aid burden. A self-reliance strategy was proposed by humanitarian agencies to build capacity for displaced persons. The programs such as skills training, education, health, income generation, and internal employment have been proposed for displaced persons (ECHO, 2009).

In addition, the amount of humanitarian aid offered by international donors has been decreasing continuously since 2007. For instance, aid from the European commission between 2007, 2013 and 2014 diminished from 9.5 million euros to 4.5 and 2.8 million euros, respectively[4] (ECHO, 2007, 2013 and 2014), affecting humanitarian assistance in refugee camps along the Thai-Myanmar border. My interlocutors expressed how difficult it is for them live due to the aid reduction, as expressed by Saw Myaw, Mae La resident:

"We used to get 12 kilos of rice, but now reduce to 8 kilos…even it is not enough, we have to bear with it (Saw Myaw, pers. comm., Jun 17, 2014)."

---

[4] Retrieved from http://ec.europa.eu/echo/files/funding/decisions/2014/HIPs/Myanmar-Thailand_en.pdf and
http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/refugees_thailand_en.pdf. Accessed on 25 September 2014.

I receive further explanation from TBC official to the effect that TBC has set new criteria for the provision of food items, taking into account levels of vulnerability relating to the economic status of each household. TBC established 4 levels of vulnerability, as follows: self-reliant, standard, vulnerable and most vulnerable[5] (Appendix B). These criteria have been implemented by TBC officials and camp committees to verify how vulnerable displaced persons are. These criteria are based on the idea that more vulnerable the person, the more extra support is needed. Even if displaced persons under 18 years old are not affected by the revision, adults are directly affected if they are placed in either the standard or self-reliant categories. For households categorized as "standard", the proportion of rice has been reduced from 12 kilograms to 8 kilograms per person, whereas self-reliant persons no longer receive a ration (TBC, 2012 and TBC official, pers. comm., Jul 25, 2014). The reduction of ration has resulted from transformation assistant strategy of donors that have shifted the assistant programs from humanitarian aid in refugee camps to development aid inside Myanmar after political transformation (HRW, 2012). A TBC official also confirmed that humanitarian assistance in refugee camps prioritizes on preparedness and development programs. The level of funds for emergency and relief programs has thus been reduced (TBC official, pers. comm., Jul 25, 2014).

In terms of employment, displaced persons can only officially work in refugee camps, where employment opportunities are restricted. Chalamwong et al. (2014) listed animal raising, agriculture, sewing, food distribution, thatch making, weaving, trading livestock, teaching, and working as medical and NGO staff as the choices within the refugee camp job market. Another study from the Humanitarian Aid and Civil Protection department of the European Commission (EHCO, 2009) also illustrated that incomes of displaced persons in refugee camps are generated from casual labour, stipends, remittances, own production, sale of ration, handicrafts,

---

5 According to TBC (2012), in the case of the refugee camps in Tak province, where Mae La refugee camp is located, the proportion of rice was reduced from 12 kilograms to 8 kilograms for standard criteria. Rice distribution is limited to children in self-reliant households, while adults cannot receive any ration. Vulnerable households can get 12 kilograms of rice as same proportion. The most vulnerable households specially get 13.5 kilograms of rice and 1 litre of cooking oil for displaced persons over 5 years old, and 7 kilograms of rice and 0.5 litre of cooking oil for children under 5 years old.

trading and relatives, in that order. On just food rations, displaced people can only hope to meet their most basic nutritional needs. However, supplemental food such as vegetable, meat and fruit are still required to avoid malnutrition (Brees, 2008). With such a limitation on employment options, some displaced persons seek extended employment opportunities outside the refugee camp, where Thai authorities consider them 'illegal' immigrants. Living outside refugee camp, displaced persons face various risks such as exploitation, abuse, and arrest from various actors such as authorities, employers, and local people (HRW, 2010 and 2012). As "illegal" persons outside refugee camps, they normally face extortion without protection from any source of power. For example, taken from Karen News[6], a couple from Mae La refugee camp working as labourers in a cornfield was killed by their employer when they asked the employer for their wages.

Both restriction of humanitarian assistance in refugee camps and strict confinement have precipitated into either preliminary repatriation or transgression outside refugee camps. According to restriction of life opportunities, it results in some displaced persons need to crosscut the confinement to seek a better opportunity for their lives. As expressed by Naw Sar, Mae La resident:

"My husband works as a mechanic in the town now. He gets a small amount of money because he does not have any documents. Since we are still waiting for a ration book, we have no choice. He needs to work outside the camp for our survival (Naw Sar, pers. comm., Jun 17, 2014)."

The above statement illustrates how restrictions in the refugee camp generate family separation among displaced persons. However, it can also be seen how displaced persons create livelihood strategies by sending some members to work

---

[6] Retrieved from http://karennews.org/2014/05/karen-womens-group-condemns-aid-cuts-to-thai-burma-border-refugees.html/ (Accessed on 25 Oct 2014)

outside the refugee camp in order to support their livelihood (see also Brees, 2008). As Tu Tu expressed:

> "Because my family does not have enough food, my son, who just finished high school, went outside the camp to work at a construction site to earn additional income…with this, we buy supplemental food (Tu Tu, pers. comm., Jun 18, 2014)."

There are gaps and limitations in many aspects, as I discovered when I was in Mae La refugee camp. Most of my interviewees in the camp mentioned the reduction of food rations due to humanitarian aid cuts, which affects directly the livelihood of displaced persons. As I mentioned earlier, to travel outside the confinement "legally", they need authorization documents. In order to survive, some of my interviewees have sneaked out the camp to work as migrant workers in the area surrounding the camp and in Mae Sot Township. Another critical issue is that education in the camp, which provides education from kindergarten to post-secondary level. Some research (Vungsiriphisal et. al., 2010 and Chalamwong et al., 2014) found that students who graduate from the highest level cannot continue their education at the university level with two reasons: first, there is no university established in the camp; second, in order to access Thai schools or universities, the students should have an accepted education certificate. However, Thai universities do not recognize the certificate issued in the camp. Way Hay expressed her situation as follows:

> "After I finished post-ten level from the camp, I nowhere to go
> …I cannot continue my education at the university because I am
> refugee without a ID card and passport…my education certificate
> issued by camp school is not accepted outside the refugee camp
> (Way Hay, pers. comm., Jul 3, 2014)."

In the next section, Mae Sot as a border town will be discussed, because I consider that the town is nexus to Mae La refugee camp. In addition, the town is place of opportunity for displaced persons from Mae La refugee camp.

3.6 Mae Sot as a State of Exception

Mae Sot is a district of Tak province and a western border town located on the border between Thailand and Myanmar (Figure 8). Mae Sot is a largest border town where can be seen as hub of numerable economic activities and migration (Pongsawat, 2007 and IRC, 2012). The Moei River appears as the boundary line between Mae Sot and Myawaddy, border town located in Myanmar, which people can legally cross via the Thai-Myanmar Friendship Bridge. Since the river is long and narrow, the border at this side is porous. It is estimated that there are about 30 unofficial channels for crossing the border[7]. As my observation, people can easily cross the river by various ways, of which the most well-known and popular way is to cross by boat (Figure 9). I experienced crossing the border by this means, spending 40 baht for a round trip. This illustrates how porous the border is. People cross border illegally has occurred in everyday life showing various patterns of migration such as economic-induced migration, development-induced migration and conflict-induced migration. Mae Sot is thus a place where various displacements interact and conflate.

---

[7] Pawt, N. C. (2014, June 03). Thailand's Military Coup A Headache For Migrant Workers. Karen News. Retrieved from karennews.org/2014/06/thailands-military-coup-a-headache-for-migrant-workers.html. Accessed on 29 September 2014.
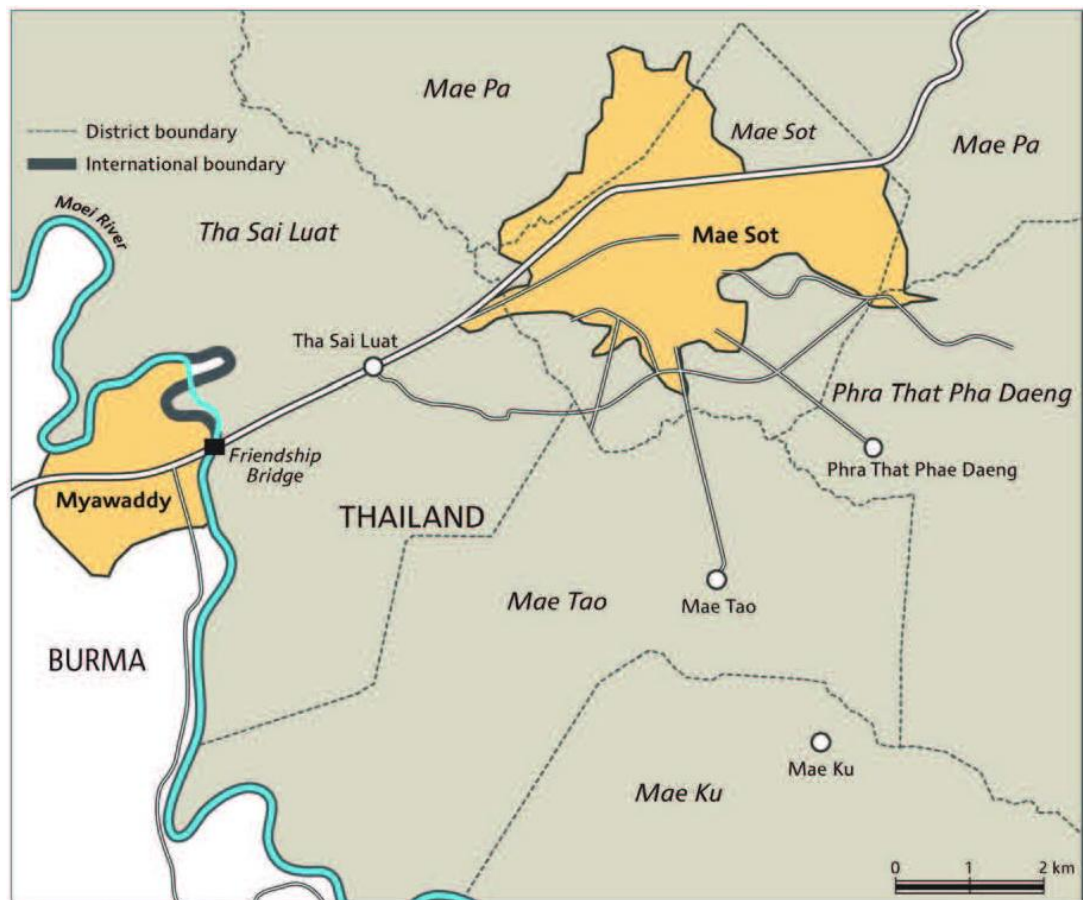
Figure 5 Mae Sot map, source: Human Rights Watch, 2010

Figure 6 Photograph of Illegal Crossing of the Thai-Myanmar Border by Boat

Statistically, the number of cross-border trading between Thai and Myanmar at Mae Sot and Myawaddy border has been increased continuously as can be seen from 2007-2014 that the number of export of Thailand has risen from 11 million baht to 50 million baht, while the import has also increased from 900,000 baht to 3 million baht[8] (Mae Sot customs department, 2014). Moreover, numerous economic activities in Mae Sot require cheap labor, such as textile and garment factories, agriculture, restaurant, tourism, domestic work, construction, etc. (Arnold, 2007). These can be seen as a pull factor for people from Myanmar seeking better opportunities. However, the number of migrant workers from Myanmar in Mae Sot Township, including registered and undocumented, is unknown.

In term of governance, Mae Sot is similar to other administrative systems in Thailand, where the district is supervised by the central government through provincial administration (*Jangwat*), and District administration (*Amphoe*). However, it also has 2 levels of local government according to decentralized administration in Thailand, which are the Provincial Administrative Organization (PAO) and the Municipality/Tambon (Sub-district) Administrative Organization (TAO). Due to its location at the border, governance in Mae Sot is unique because there are many state agencies, such as the immigration office, police, army, and customs department etc., exercising their power in governing the territory and people (Lee, 2007).

A border can be seen as a state of exception because the state penetrates its power to demarcate state sovereignty. Salter (2008) argued that a border is an exceptional area in which sovereign power and citizenship play an important role. The term "sovereign power" refers to border agents such as police, immigration officers, border patrol police, and the army, who monitor and decide who and what should be included and excluded. Similarly, citizenship is a tool to determine and manage migration flow between the two countries. In this way, disciplinary practices at the border such as the checking of documents, patrolling, and policing can be seen as evidence of the sovereign power of the state. From this way, the border is an

---

[8] Retrieved from http://www.danmaesot.com/im-ex.html. Accessed on 29 September 2014

exceptional space where the state applies various techniques of surveillance to screen people coming in and out. These techniques can be seen in the global migration regime which standardizes regular migration practices through documents such as passports, visas, and border passes. At the border, various categories of people must present themselves to the sovereign power of the state, where they will be classified by the power under different identities, such as citizens, foreigners, refugees, and asylum seekers.

Some studies found that displaced persons created self-protection by applying survival strategies to deal with dominated power. For instance, the studies illustrated that irregular people usually use various strategies such as creating community networks with family, friends, and colleagues, connecting with NGOs and the Thai local community, searching safe routes for travelling, begging and bribing Thai authorities, etc. (Aung, Hpound, Jessadachat, 2010 cited in Aung, 2014). Those irregular people apply these strategies because they want to be invisible in a place where they cannot receive authorization to live. They do not want to directly face risks of abuse, arrest, and eventual deportation. However, I argue that those strategies cannot create sustainable solutions for those displaced persons, because the strategies can only give them temporary protection. In this context, I nonetheless argue that identification documents play a crucial role for people trying to live and survive i in border area as a state of exception.

In context of Thailand, identification documentation refers to individual existence, as it is evidence proving legal identity in the nation-state system. Moreover, it relates to rights granted by national law, particularly civil rights. In this sense, an individual who does not hold identification documents, or is not identified by law, can only be seen as an invisible individual by law (Paisanpanichkul, 2005). In other words, those are thus be expelled from state territory according to Thai immigration law. It can be said that the significance of identification documentation generates the regime of identification. The regime has thus established by state in ambiguous space, particularly border areas, for the purpose of controlling and manipulating people. I

would argue that the regime of identification has established the state of exception in Mae Sot as my case study. I will explain more about the regime in the next chapter.

During my fieldwork, military government announced the migrant worker management policy, which resulted in strict management of undocumented migrant workers in Mae Sot. I often noticed police trucks filled with numbers of undocumented people on the street (Figure 10). The immigration police at Mae Sot border stated to me that the highest number of deportees climbed up approximately 9,000-10,000 persons in June 2014, whereas the lowest number per month is about 4,000 persons. There are approximately 200-300 people deported per day (Immigration police, pers. comm., Jul 12, 2014). This was the result of the military government policy on the managing of migrant workers. This incident is understandable that Thai state announced state of emergency which affects to people who cross border irregularly as everyday practices.

Figure 7 Immigration Truck Filled with Undocumented People in Mae Sot

However, the border at Mae Sot is porous, and people seek different ways to enter and exit without the knowledge of the state. In addition, not only do state agents

play a role in governance in Mae Sot Township, but transnational actors also represent as other sovereign power, besides Thai state, in the town. It thus can be argued that the Thai state as central sovereign power cannot control orderly border as margin of the state (Das and Poole, 2004). This turns Mae Sot into a space of negotiation.

3.7 Mae Sot as a Space of Negotiation

As previously mentioned, not only state governance system, Mae Sot contains other non-state agencies such as humanitarian agencies, transnational organizations, and the chamber of commerce all exercise power. Lee (2007) argued that state agencies cannot absolutely dominate Mae Sot and its inhabitants. It can be argued how exceptional and fragmented sovereign power of Thai state at Mae Sot as border town is. Under these circumstances, even though the Thai state establishes disciplinary practices relating to citizenship and documentation in Mae Sot as a border. It refers that the state has drawn state of exception at the border in some senses. I argue that every space has states of exception, even within states of exception them.

According to Lee (2007), Mae Sot is the exceptional town where other forms of governance has functioned and exercised their powers. Of course, the Thai state authorities are represented as official governing agencies, but Mae Sot is exceptional because diverse people engage in this space. Displaced persons, migrant workers, members of ethnic groups and business agencies are present in Mae Sot due to its location. In some senses, the role of "other governance" in Mae Sot is to create protection and entitlement to some degree for displaced persons from the refugee camp (Lee, 2007 and McConnachie, 2012). These governances can be seen as patrons of displaced persons. I discovered that other governances in Mae Sot represent themselves in the form of institutions such as medical centers, schools and humanitarian organizations.

In this context, identification documents issued by those institutions are a tool to create protection and welfare for displaced persons in Thai territory, showing how other sovereign powers exercise their powers.

"As police, we normally accept only passports, and temporary passports plus work permits, permission documents for travelling of displaced persons from temporary shelter…Here in Mae Sot, NGO cards, student ID cards, 10-year card[9] and colour cards are acceptable for police… we usually will not arrest the holders (Patrol Police at the checkpoint, Jul 12, 2014)."

The above statement shows the perspective of Thai authorities towards various identification documents circulating in Mae Sot as border town. Thus, quasi-official identification documents such as NGO cards, Karen ethnic organization cards, and migrant student cards all play a crucial role in this context.

Such documents such as clinic cards, student cards and organization cards create some degree of protection and right of movement for displaced persons. These identification documents are considered by the authorities as acceptable documents permitting displaced persons to travel from refugee camps. Students as my key informants from Mae La refugee camp who study at migrant school in Mae Sot expressed to me:

"I normally show my student card at the checkpoint in order to travel back and forth to Mae Sot for studying…we do not have any troubles with the police… One thing we have to bear in mind is that we cannot use this kind of card outside Mae Sot town (Naw Nar, Jul 01, 2014)."

---

[9] A person holding this card is considered by Thai state as holding non-registered status. The holder can travel in a limited area. If they want to travel out of authorized area, they should request authorization documentation from the district office where they applied for the card (see more discussion in chapter 4).

"Every country is ruled by government that legal status is important for people living in the country…for us, as we aren't citizen of Thailand, we need to have some documents that prove that we are not criminals, even though we are not legally in the country (Pah Kaw, pers. comm., Jul 5, 2014)."

Another medical staff at migrant clinic in Mae Sot also pointed out that the medical staff card that she holds can protect her when she travels back and forth between the refugee camp and migrant clinic:

"I know this (medical staff) card is not official in Thailand, but we can use it for travelling…This is understandable card for the police (Medical staff at migrant clinic, Aug 11, 2014)."

I noticed during the interview that the card had been signed by clinic director, and certified with the statement that "This card certifies that the holder is a staff member at…clinic." It seems that the card creates some protection by inscribing a source of power within the exceptional space of Mae Sot.

It can be argued that there are various kinds of identification documents circulating in Mae Sot issued by other forms of governances. Lee (2007) argued that these documents can be seen as "quasi-passports" issued by other sources of governance for their people. Though they are not officially accepted, they are understandable and acceptable on the ground to local authorities. However, it seems that the holders also know the regulations and restrictions attached to those identification documents.

However, it is quite positive perspective to consider that other identification documents besides official identification documents can create full protection for holders. Rather, it depends on case by case basis in perspective of the authorities whether they are suspicious or benevolent (Asad 2004). As one of my key informant expressed:

"I thought student ID card would protect me more than 10-year card, and the 10-year card would not help me…I thought the police would not care much if we are student, but I paid them 200 baht to release me…it turned out that the student card did not help me. (Saw Jah, Jul 05, 2014)."

Studying Mae Sot city through different kinds of identification documents which displaced persons use can illustrate how Mae Sot is exceptional area. Again, Mae Sot contains different sources of power exercising their power to govern, control, and protect people.

3.8 Summary

I have explained in this chapter why Mae La refugee camp and Mae Sot should be seen as states of exception. In the first place, it can be said that Mae La refugee camp is located in Thai territory, but it is in an exceptional space where special rules and regulations have been enforced vis a vis the displaced persons inside. Displaced persons from Myanmar can be considered through the terms prima facie refugees who have no refugee status in compliance to international law relating to refugees. Rather, they are enforced by Thai laws under national security discourse. Refugee camps are thus the only places where displaced persons can legally stay in Thai territory.

In Mae La refugee camp as a state of exception, the form of governance has been set up by various agencies such as the Thai government, humanitarian agencies, and displaced persons themselves. This form has outlined a rule and governance structure to control and assist the camp population. In terms of control, freedom of movement as a fundamental human right is restricted for displaced persons. It can be argued that they must stay in the camp in order to access humanitarian aid. This turns displaced persons as aid burden into passive actors. I conceptually argue in this chapter that displaced persons from Myanmar in Mae La refugee camp cannot be seen

simply as life without protection, so-called "bare life", in Agamben's words. Of course, their citizenship as form-of-life no longer exists in either Myanmar or Thailand. Rather "refugee", or "Displaced Persons Fleeing Fighting" in the context of Thailand, is their new identity. With a new form of life, displaced persons thus access some protection and assistance provided in the camp.

In addition, I argue that the refugee situation in Thailand is arriving at its last stage because the level of donor aid has decreased because of a shift in strategy from humanitarian assistance in refugee camps to development aid inside Myanmar. This affects the livelihood of displaced persons living in the camp, particularly with regards to food items. Although the right to employment outside the camp is not granted to displaced persons, displaced persons face various difficulties that lead them to take risks outside the camp as illegal migrants. In terms of education, continuing higher education among young displaced persons is also a challenge because they can study at secondary school level as basic education is the highest education level in the refugee camp.

In the second place, I have continued to explain how Mae Sot Township is a state of exception. Mae Sot was selected as my second research site because I consider that Mae La refugee camp and Mae Sot Township is nexus. Mae Sot can be seen as a center of migration and trans-border economic activities. At the border, the flow of people, whether legally or illegally, is under the supervision of the Thai state, and governmental agencies play an important role. The border at Mae Sot is porous where Thai state must absolutely controls according to national security. Hence irregular people and things should be confined and investigated before entering national territory. From this way, disciplinary practices such as policing and documentation are devised to control territory and people. It can be said that the practice is the process of inclusion and exclusion people and things.

However, I argue that the power of the Thai state cannot penetrate pervasively in Mae Sot Township because "other" forms of governance have been established in the town. There are either official or unofficial institutions such as international

organizations, NGOs, ethnic political groups, and other civil societies functioning in Mae Sot. This shows how fragmented the sovereign power of the Thai state is in at Mae Sot as border town. Those other forms of governance also exercise their powers to protect and assist their people. Hence, it can be argued that even though a state of exception has been drawn in Mae Sot, other states of exception can be created within.

Thoroughly this thesis, I argue that identification documents play important role in both Mae La refugee camp and Mae Sot Township. As mentioned, documentation is a crucial tool and technique to control and manipulate people in this context. I term this the "regime of identification" to explain how identification documentation should be considered a technology of power. In the next chapter, I will illustrate how the regime of identification functions and governs in Mae La refugee camp and Mae Sot Township.
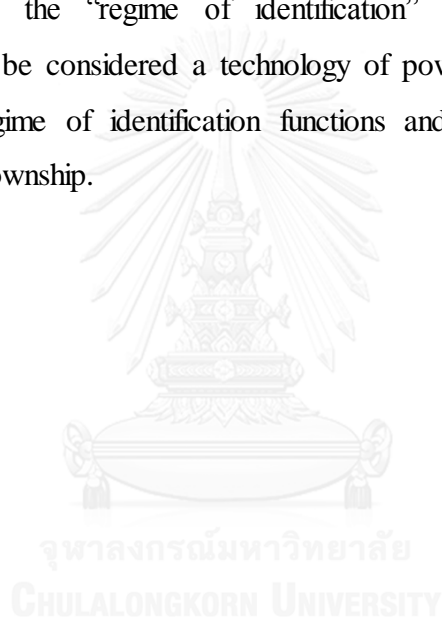
CHAPTER IV
THE REGIME OF IDENTIFICATION AS A TECHNOLOGY OF POWER

4.1 Introduction

In this chapter, I analyze how identification documents in Mae La refugee camp and Mae Sot Township are employed as a technology of power. First, I discuss how the regime of identification is and how it functions in Mae La refugee camp and Mae Sot Township. Then, I explain how identification documentation functions as a technology of power. Identification documents here refer to documents or paper created by sources of power to assign identities to people (Lyon, 2009). Identification documents are one type of effective tools the authorities use to make individuals visible, to facilitate effective governance and organization. Likewise, documentation is a tool that individuals use to access rights and welfare. Throughout this chapter, I discuss how the state authorities and humanitarian agencies have used of identification documents for the purpose of control. Besides the identification documentation, which is perceived as a political tool, I also examine techniques of power which are used for governing refugee camps and Mae Sot Township.

4.2 The Regime of Identification

I argued in Chapter 3 that Mae La refugee camp and Mae Sot Township can be considered a state of exception where the ordinary state of law is suspended. Exceptional rules and regulations have been enforced in these areas because the Thai state views them from the perspective of the national security discourse. The state thus devises various kinds of technologies of power to control the areas and people. Identification document are one technology of power, which I argue is a crucial tool for control and manipulation. Das and Poole (2004) pointed out that documentary practices have been invented under written manners of modern state. Documentation

and statistics are obvious tools of the state for manipulating people, territories and properties.

Following this logic, I apply the concept of Governmentality (Foucault, 1991) to elucidate the practice of documentation. Foucault used the termed "conduct of conduct" to explain government, which is defined as the functions attempting to influence, direct, and impact peoples' conduct (Gordon, 1991). The state is unable to use various hard-power coercive actions, as its population would find this unacceptable. Instead, , a government should use strategic methods based on institutions, knowledge, analysis and calculation to manage its people, things, and situations in order to effectively govern its population (Tanabe, 2008). Li (2007) also illustrated that government should create will, ambition, and faith as soft power. These not only facilitate efficient governance, but people, themselves, pursue them willingly. Governmentality is thus a new technique of governing which aims to control people by letting people act willingly and freely to a limited extent. In this sense, Governmentality can be considered the ruling of people's mentality, which people accept as the regime of truth. It eventually creates self-discipline and self-governance. Moreover, I would add Focault's concept of biopower to explain the practices of new governance. Foucault considered that discipline is a powerful tool in controlling society through social normalization. Such power permeates to everyday life practices of people in order to govern a state's population as state citizens and state resources (Prachakun, 2004). Thus, I apply the concept of Governmentality to see how various kinds of technologies of power can be a technique of governance (Dean, 1994 cited in Lippert, 1999).

Identification document can be considered a technique for the state to know its population in order to govern, manage, control, and monitor effectively. Official documents issued by the government are the formal technology of power to confirm membership and belongingness. In this context, documents such as identity cards, passports, birth certificates, and household registrations support the governance of the state (Das and Poole, 2004). In this sense, identification document is the tool to sustain the existence of a state of exception because state requires people to confirm their

membership; otherwise, unidentified people will be expelled from its territory. I thus term this the "regime of identification" to explain the functional existence of identification documentation. Following Scott (1998), in the era of modern state, various techniques of power, in the form of documents and statistics, have been devised to simplify equivocal and unorganized areas and people into formal categories, or in his words, standardized characteristics. The techniques have resulted in a legible society, either in terms of space or people, which the state can properly control and utilize in proper ways. In the eyes of the state, identification makes ambiguous, crisscrossing, and unidentified spaces and people clearer for its purposes. Simplifying space and people also generates official categories, on which rules and regulations can be imposed. In other words, space and people have been ruled under invented statecraft which bonds to their social and political existence in nation-state system. As Scott mentioned, the legal position of people is verified by documents such as birth certificates, passports and identity card, so-called official legibility. In order to be recognized in the nation state system, an identification card is an evidential document in which body, identity, and citizenship are bonded (Luangaramsri, 2014). In this sense, identification documents fill "bare life" with a "form-of-life" (Agamben, 2000 and Das and Poole, 2004). From this way, it can be argued that identification documents and cards are crucial state tools of societal inclusion and exclusion. (Lyon, 2009 and Das and Poole, 2004). In the nation state system, non-citizens who do not have any legal identification documentation can only be trespassers.

All in all, the regime of identification is a process of making an unidentified body recognizable. The regime can be explained through the processes of verification, acknowledgement, and confirmation. The verification process is for the purpose of screening individuals into the nation state system. The acknowledgement is the process of acceptance of an individual so as to assign to him/her a certain identity according to the law. The confirmation is the process of affirmation of identity according to the law, in which body and identity of an individual are bound to rights corresponding to the law. In the verification process, the regime engenders hierarchical gradation by classifying individuals into categories. In the context of Thailand, categories have been set in relation to citizenship, which has levels

including full, partial, and non-status. Particularly, non-status, which refers to individuals who do not have identification documentation, can merely be illegible persons lacking civil rights and protection. The regime has thus been operated by the state in ambiguous spaces; particularly border areas, for the purpose of controlling and manipulating people. I would argue that the regime of identification has driven a state of exception in refugee camps and border town.

4.3 The Regime of Identification in Mae La Refugee Camp

In the context of Thailand, displaced persons fleeing from Myanmar have been verified by the Provincial Admission Board (PAB) with sets criteria in order for them to be recognized as "refugees", or "Displaced Persons Fleeing Fighting", as they are referred to in the Thai context. The process can be understood through the regime of identification where people can be either included in or excluded from the refugee camps. From this way, the politics of inclusion and exclusion emerge to identify and verify who has a right to be membership and belongingness in refugee camp (Das and Poole, 2004, and Agier, 2011). Thus, identification documents are one type of effective tool to make displaced persons visible in the eyes of the authorities for the purpose of effective governance and organization (Scott, 1998).

Following this, I describe four identification documents, including the MOI-UNHCR Household Registration Document, the identification card for displaced persons, the ration book household census, and the travel permission document, which I consider are crucial for people living in the camp.

4.3.1 MOI-UNHCR Household Registration Document (MOI-UNHCR HHRD)

In practice, displaced persons who have MOI-UNHCR HHRD are "registered persons" who the Thai government officially recognizes. MOI-UNHCR HHRD is a census document including a list of family members and basic biography such as name, sex, relationship, date of birth, age, marital status, country of origin, ethnic origin, religion, arrival date, registration date, and camp address, listed with assigned

MOI-UNHCR number[10] (Figure 10).A MOI official of OCDP confirmed information that the biographical information of displaced persons is recorded officially in a governmental database with the Bureau of Registration Administration (MOI official, pers. comm., Jul 29, 2014). According to the registration timeline (Table 2), the Thai Government verified and registered masses of displaced persons between 2004 and 2006[11], meaning that displaced persons living in the camp and qualified under the PAB verification process during that period of time received an MOI-UNHCR HHRD as an identification document (TBC, 2010).

Not only has identity as displaced persons fleeing fighting been recognized, but the function of the document is also similar to a census. For instances, once family has new born baby, the document will be updated by adding the information of the new member to the document. Likewise, once a member passes away or moves out of the household, their information will be removed (MOI official, pers. comm., Jul 29, 2014). This document is considered to be the one with the highest status in the camp. Displaced persons use it access durable solutions, in particular, third country resettlement, this being the highest privilege among displaced persons. As Maung Toh expressed that:

---

[10] The assigned number begins with MLA, followed by a 6-digit number. The "MLA" is the abbreviation of Mae La, which is used by displaced persons in order to access humanitarian assistance, whereas humanitarian agencies and Thai authorities use it to identify those displaced persons. Displaced persons who have a MLA number have a recognizable status. However, there are other acronyms listed in the MOI-UNHCR Household Registration Document as follows: PAB, referring to Pending Provincial Admission Board Approval, which is used for displaced persons who are waiting for PAB consideration, i.e. pending registration; PRE referring to Pre-screening is used for displaced persons living in Tham Hin, Ban Don Yang, Nupo and Ban Mai Nai Soi refugee camps as pilot project for people who get into the screening-in process before considering by PAB; and FTB referring to Fast-Track process, which is used for displaced persons who are qualified to be registered because of humanitarian concerns, i.e. FTB number will be changed to a MLA number once the individual passes PAB consideration (TBC, 2010 and the Operations Center for Displaced Persons unit (OCDP), MOI, 2014: Rules and regulations on provision assistance in Temporary Shelter).

[11] After a mass registration in 2005-2006, the Thai Government has kept open a limited channel for registering displaced persons for the purpose of third-country resettlement on a case-by-case basis, which preserves space for those with special grounds for concern related to protection, sexual and gender based violence, severe medical issues, and family reunion and reunification (MOI official, OCDP, pers. Comm., Jul 29, 2014).

"We plan to resettle to a third country, to the MOI-UNHR HHRD

is very important…if we don't have it, we cannot apply to go to a

third country (Maung Toh, pers. comm., Jun 17, 2014)."

By contrast, displaced persons arriving in the camp after the aforementioned registration period can only receive "unregistered person" status. This status means that they are not qualified for third country resettlement as a durable solution. Many of the displaced persons wish to receive such document in order to be able to access to many advantages, especially placement in a third country. Saw Ko, one of my key informants, confirmed this intention:

"If I get a chance to be registered by UNHCR, I can resettle to a

third country, where I will get legal status as a citizen…I will be a

legal person in that country…I will be free to travel and work…no

worries about being arrested by the police (Saw Ko, pers. comm.,

Jun 18, 2014)."

**Figure 8 MOI-UNHCR Household Registration Document, adapted from a real
document**

Year	Description
1999	The first official registration by MOI and UNHCR and setting up of the Provincial Admission Broad (PAB) to "screen in" displaced persons from Myanmar.
2004-2005	Re-registration of displaced persons from Myanmar (1999 registration) and identification of displaced persons (new arrivals). Displaced persons who were qualified during this registration period got an MOI-UNHCR Registration Document.
2007	The Royal Thai Government cooperating with UNHCR issued identification cards for "registered" displaced persons.
2009	Pilot pre-screening process by Ministry of Interior set up to screen in "unregistered" displaced persons who never went through the PAB consideration process. The pre-screening project was deployed in 4 refugee camps, including Tham Hin, Ban Don Yang, Nu Po and Ban Mai Nai Soi. Those displaced persons are only "pre-registered" displaced persons without any official status because this project has been suspended until now.
2012	The Royal Thai Government reconsidered registering unregistered displaced persons under family reunion and family reunification criteria, which is referred to as Fast-Track PAB. This has provided the opportunity for immediate family members (parents, spouses, and children) of resettled refugees to be registered for reunification in the third country.

Table 2 Displaced Person Registration Timeline

In context of refugee camps in Thailand, categories of displaced persons may be divided by the identification documents displaced persons have. When I asked an MOI official how many displaced persons were fleeing fighting at present, the official told me that there are about 70,000-80,000 displaced persons within nine refugee camps in Thailand. The official said that:

"The Thai state primarily recognizes displaced persons who have identification documents issued by MOI and UNHCR, because displaced persons must be identified using documentation as evidence (MOI official, pers. comm., Jul 29, 2014)."

This may imply that displaced persons who have an MOI-UNHCR HHRD, i.e. registered persons are only legible in the eye of Thai state. The official continued to

say that displaced persons in the camp who do not have any documents can only be considered "illegal persons" (MOI official, pers. comm., Jul 29, 2014).

4.3.2 Identification Card for Displaced Persons

In 2007, the Royal Thai Government, with technical support and funding from the UNHCR, issued identification cards for all registered displaced persons over 12 years old. The identification includes a photo, name, date of birth, and camp of residence along with the date of issue and date of expiration. The card is also encoded with left and right thumbprints on the magnetic strip. Interestingly, the nationality of the displaced persons appears as Myanmar nationality on the cards (Figure 11). Even though the initial aim of identification card for displaced persons was to increase basic rights and expand protection (Han and McKinsey, 2007), during my fieldwork I learned from cardholders that they have never used it in order to access food, welfare, or improve their access to rights, but rather kept it along with other documents, as one of my interviewees expressed:

"I normally use the MOI-UNHCR HHRD and ration book…I never use the MOI card and I don't know what the purpose of this card is (Naw May, pers. comm., Jun 16, 2014)."

Concerning the usage of the identification card, one of the MOI officials explained that displaced persons can only use the card as a way to prove that they are authorized to stay in the Thai temporary shelter. The official pointed that displaced persons have often misunderstood the card as providing them with rights of movement and employment outside the camp, but in fact the card merely displays the displaced persons' identity. The primary objective of this card is to create some protection for the holder. Because rather than being deported or detained upon arrest outside the refugee camp, they will be sent back to the camp (Vungsiriphisal et al., 2014). The official concluded by saying that "After the first phase of validity, from 2007 to 2009, the card was not extended by the Thai state because there was no funding from UNHCR, and to avoid the card being "misused" by the displaced persons. At the present, identification cards for displaced persons are no longer valid, as all have been

officially repealed by the Thai authorities." (MOI official, OCDP, pers. comm., Jul 29, 2014).
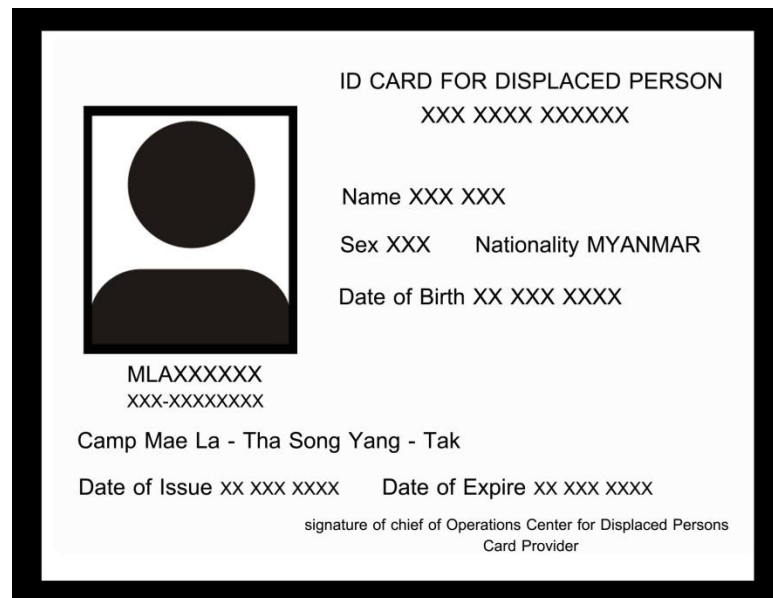
Figure 9 Identification Card for Displaced Persons, Adapted from a Real Document

4.3.3 TBC Ration Book

Displaced persons arriving after the official registration period can be considered as "unregistered" persons. They do not have an MOI-UNHCR HHRD or ID card. Rather, a "ration book" is their identification document. A ration book is an identification document, issued by the TBC. Therefore, this document is called a TBC ration book. The TBC ration book is the blue book containing the biographical information of household members with photos and includes regulations for using the book. The main part of the book comprises lists of food items including rice, fortified flour, fish paste, salt, yellow split peas, and cooking oil provided monthly to displaced persons, and non-food items such as bamboo poles, eucalyptus poles, and roof thatching, etc. (TBC, 2012). A TBC officer described that the purpose of the ration book for displaced persons is to receive food rations and shelter materials and for annual population verification checks. In other words, the TBC ration book is the individual evidence proving that displaced persons are allowed to live in the camp and access entitlements provided by humanitarian agencies in the camp. It should be noted

that the Thai government has provided only the land to set up the shelters, while other humanitarian assistance is to be provided by NGOs. Hence, the ration book can be considered a beneficiary document for displaced persons. The officer pointed that:

"In my view, the ration books can be identification documents which displaced persons in the camp should have, particularly ones who do not have an MOI-UNHCR document…Those people will use the ration book when contacting Thai authority and other organizations instead of the MOI-UNHCR document (TBC officer, pers. comm., Jul 25, 2014)."

The significance of the TBC ration book can be confirmed through a statement from Saw Sun:

"Since I am unregistered, a document like the TBC ration book is very important, and I have to show it when I receive food every month…moreover, unregistered persons like me have to show it when dealing with Thai authorities to request permission to leave the camp (Saw Sun, pers. comm., Jul 17, 2014)."

However, the ration book is issued to every displaced person, even "registered person" who have passed the PAB consideration process. At the time of collecting food or non-food items, displaced persons must carry the ration book and show it to the TBC officer to collect those items (Figure 12, TBC, 2014).

Figure 10 Documentary Practice when Displaced Persons in the Refugee Camp Receive Food Distribution, TBC, 2014

Since the TBC ration book is an important identification document giving displaced persons access to basic needs, new arrivals need to pass screen-in process in order to be included in the provision of humanitarian assistance.

4.3.4 Household Census

Due to the number of newborn displaced persons and new arrivals, the number of displaced persons in refugee camps is always fluctuating. While the camp continuously receives in-migration, there have been more than 80,000 displaced persons successfully resettled to third countries during 2006 and 2013 as part of the Thai state's attempt to stabilize the number of camp's occupancy. For Mae La refugee camp, there had been 26,864 people resettled to third countries as of December 2013 (TBC, 2013). In order for new arrivals to be camp members able to access humanitarian assistance, particularly food, they must report and register their names with the section leader, the lowest administrative level. At this level, new arrivals will have a short interview to verify their identity. After that they will get a handwritten document that looks like a household census, including photo ID, name, date of birth, sex, ethnicity, address, and date of arrival. One of section committee confirmed to me:

"The household census is the first important document which displaced persons must have…it proves that the newcomer is recognized as a member of the refugee camp, guaranteeing that they can stay in the refugee camp (Section Leader B, pers. comm., Jun 23, 2014)."

It can be noted that the household census is the first step for displaced persons to be included in the displaced community in Thailand. After a new arrival is authorized to stay in the refugee camp, a particular person or family will be verified by the new arrivals committees[12] through an interview and response to questionnaires, in order to grant them eligibility for humanitarian assistance, particularly food and non-food items provided in the camp. A medical examination is also required for new arrivals to avoid pandemic diseases in the camp (Section Leader B, pers. comm., Jun 23, 2014). Once the new arrivals receive acceptance, their documents will be "upgraded" to a TBC ration book, and will be an "unregistered person." It can be said that "new arrival" is a temporal status, under which a new displaced person waits for some source of power to bestow membership on them so that they can access humanitarian assistance in hopes of becoming registered to get "full entitlements" one day. Naw Sar, who recently arrived in Mae La refugee camp in February 2014, and is waiting for consideration by the new arrivals committees, told me:

"Living in the refugee camp, people should have some documents, otherwise life will be difficult… without the ration book, I and my family cannot access food here… I hope that I will get the ration book which gives my family access to food, and my husband will stay with our family, so he does not have to work outside anymore (Naw Sar, pers. comm., Jun 17, 2014)."

---

[12] The new arrivals committees is comprised of representative of camp committee, section leader, representative of CBOs, e.g. women group, youth group and religious leader. The committees are selected by consideration to diversity of ethnicity, gender, age and religion to avoid discrimination issue (TBC officer, pers. comm., Jul 25, 2014).

A TBC officer informed me that there are some people who are not qualified for accessing humanitarian assistance, but the number is very small (TBC officer, pers. comm., Jul 25, 2014). The main reason to reject new arrivals for membership is that they did not encounter with past persecution and difficulties in Myanmar. TBC officer pointed that the committee usually rejects displaced persons who are induced to migrate by economic reasons. In this way, the committee differentiates economic migrants from forcibly displaced persons. In practice, section leader B informed me that if displaced persons cannot pass the new arrivals committee verification process, they are allowed to stay in the camp, where they cannot get food and non-food items under humanitarian assistance schemes (Section Leader B, pers. comm., Jun 23, 2014).

Even though TBC, as a humanitarian agency that monitors and verifies the population in the refugee camps, records and updates the movement of displaced persons in its database on a monthly basis, including unregistered displaced persons and newcomers, and shares that information with UNHCR, the fluctuation of new arrivals is not recorded well systematically (TBC, 2010).

Indeed, the Thai Government prefers to receive as few displaced persons from Myanmar as possible; however, A MOI officer stated that Thai state always considers about border situation, particularly conflict between Myanmar and ethnic army groups (MOI official, pers. comm., Jul 29, 2014). The MOI official stated that as the population of displaced persons and the camps have both expanded gradually since 2000s, it was quite difficult for Thai authorities on the ground to monitor and take responsible effectively. This led the Thai state to authorize displaced persons from Myanmar to set up their own local governance bodies with the support of international agencies. This local governance body is comprised of the refugee committee and camp committee, as well as local administrative level bodies such as zone and section. These can be seen as self-governance, which is autonomous insofar as it does not conflict with Thai laws and the regulations set by humanitarian agencies. As in the aforementioned example, when the camp receives new arrivals, the process starts at the section level, this being the lowest level of authority in the camp. It is arguable

whether Thai authority acknowledges this informal process or not. Section leaders, whom I interviewed, stated that there are new arrivals registering at the section level every month (Section Leader A, pers. comm., Jun 23, 2014). Similarly, a TBC officer provided information that applicants who fail the screening-in process can request reconsideration by the committee. From this way, it implies that there is no official screen-out process because humanitarian agencies concentrate more on humanitarian reason than security issue, i.e. no exclusionary process exists on the ground insofar as −the new arrivals meet humanitarian criteria and do conflict with Thai law. According to the data I got from the section committees in Mae La refugee camp and TBC officer, it appears arguably that, the sovereign power of the Thai state cannot penetrate absolutely into refugee camp where small sovereign powers, in this case local administration and humanitarian agencies, exercise their power. From another perspective, the Thai state may know of this unofficial screening-in process, but Thai authorities allow it to occur as long as it does not go beyond state's law and order.

4.3.5 Permission Letter for Traveling

Besides above four identification documents—the MOI-UNHCR HHRD, ID card for displaced persons, TBC ration book and household census—the permission document for traveling outside the camp is another document that I would like to bring into focus here. It seems not possible for displaced persons in the camp travel "legally" outside the camp unless they request permission from a camp commander, who issues them a "permission document" for travelling. In order to apply the travel permission, the displaced persons must get a recommendation letter from a section leader. The travel permission is a paper showing name, photo, camp address, reason for traveling, and period of travel and which will be used along with the displaced persons' identification documents used in the camp, such as the MOI-UNHCR HHRD, TBC ration book, and household census (Section Committee A, pers. comm., Jun 18, 2014). This document is crucial for them to travel outside the confinement of the camp, because they need to show it to the Thai authorities at several checkpoints. For example, from my routine observation, there are seven checkpoints between Mae La refugee camp and Mae Sot Township where the authorities normally stop local public transportation and ask passengers to show identification documents. If the displaced

persons are caught travelling without a permission document, they will be pulled from the car, and transferred to the police station, which will start the process of deportation. Local Thai authorities such as patrol police at checkpoints and immigration police outside the camp do not recognize identification documents from the refugee camp alone, unless they are attached to an official travel permission document. The patrol police at the checkpoint stated that:

> "In case of displaced persons from the camp, if they do not have a permission document from the Palat (camp commander), we see them as illegal people, and put them in the process of deportation (Patrol police, Jul 12, 2014)."

To briefly summarize what I have discussed so far, there are important identification documents provided to displaced persons which they use in order to access entitlements in the camp. These identification documents can be classified into three categories, which I adopt here from Paisanpanichkul's study on Right to Identification Paper in Thai State (2005). First, identification documentation identifies and affirms permanent residence, even temporarily. In the camp context, the household census and MOI-UNHCR HHRD fall into this category. Second, identification documentation identifies and affirms personal status. This category would include the identification card for displaced persons, the MOI-UNHCR HHRD, TBC ration book, and birth certificates. Lastly, there is identification documentation attached to basic entitlements corresponding to fixed rules and regulations. This category includes the TBC ration book for food/non-food rations, student cards, hospital cards, etc. It should be noted that individual identification documents, such as birth certificates[13], are beyond the scope of this paper. Table number 3 illustrates the identification documents used to grant holders access to some basic rights and welfare provided in the camp. There are, however, several kinds of welfare that the displaced persons can access, no what matter status and identification document they have.

---

[13] Please see UNESCO. 2008. Capacity building on birth registration and citizenship in Thailand: Citizenship Manual for further discussion about issuing birth certification in Thailand.

These types of universal welfare include access to shelter, education, and health services in the camp. One Thai woman, for example, who lives outside the camp, brought her sick father to receive treatment in Mae La hospital (pseudonym), located within the camp. She told me:

"Hospital in Mae La camp is good and free…I cannot afford the cost for my father if I bring him to a Thai hospital (anonymous lady, pers. comm., Jul 13, 2014)."

As for education, one of my interviewees who now live outside Mae La refugee camp also confirmed the universality of such welfare, saying that:

"I got enough food and took shelter in the temple…for me documentation was not necessary in the camp since I could access education and medical services…I got malaria when I was in Mae La, and I was treated by Mae La hospital without showing any documents." (Saw Tae, pers. comm., Jul 09, 2014)."

The next section will discuss how the regime of identification functions in Mae Sot Township. It will illustrate why identification documentation plays a role at the border town where cross-border migration and trans-border economic activities need to be supervised by the Thai state. In addition, the exceptionality of Mae Sot Township, where various institutions and organizations function and exercise their powers will be further elaborated on to improve understanding of/further clarify the regime of identification at the border.

Table 3: Identification document relating to entitlements in refugee camp

Status	Identification document*				Entitlement in the refugee camp**						Explanation
	MOI-UNHCR Household Registration Document	Identification card for displaced persons	TBC Ration book	Household census	Protection	Third country resettlement	Shelter	Food/non-food items	Education	Health	
Registered displaced person	x	x	x		x	x	x	x	x	x	
Unregistered displaced person			x	x	X***		x	x	x	x	
New arrivals****				x			x		x	x	
Hidden population*****							x		x	x	

Remark

* Identification document in this chart refers to primary documents which displaced persons living in the refugee camp in Thailand should have. Those do not include individual documents such as student card, education certificate and hospital card etc.

** Actually, There are many entitlements and welfare providing in refugee camp more than this chart lists, e.g. legal assistance, capacity-building and vocational training etc. These entitlements I list are noticeable.

*** In term of protection by definition of UNHCR, unregistered displaced person should be identified as forcibly displaced persons in compliance to definition of refugee listed on 1951 refugee convention.

**** New arrival in this chart refers to a displaced person who does not pass screen-in process by new arrivals committees.

***** Hidden population in this chart refers to unidentified people living in the camp who may or may not have any identification documents.

Table 3 Identification Documents in Mae La Refugee Camp Relating to Entitlements

4.4 The Regime of Identification in Mae Sot Township

As border at Mae Sot Township is considered a porous space that has turned into a hub of migration, the concept of citizenship is employed by Thai state to regulate the flow of non-citizens. The concept of citizenship emerged simultaneously with the nation-state system, which creates membership and belongingness, on the one hand, and sorts "outsider" out of the nation-state, on the other. The emergence of the nation-state also demarcated and situated borders between countries, where unqualified citizens can be seen by state as "minorities", or so-called "others" (Keyes, 2002). In this sense, the idea of citizenship is a tool to differentiate membership of state and "others".

In case of Thailand, holding citizenship is significant for individuals, because those who hold citizenship can access rights and welfares listed in the constitution. More importantly, it means that the Thai state is obligated to protect the individuals as citizens of the state, though it can be argued that citizenship usually comes along with control by sovereign power of state. Pongsawat (2007) argued that citizenship could be considered that the status leads people to access social well-being and negotiate with exploitation by capitalism and controlling by state. On the other side of the same coin, the protection and menacing of citizens using sovereign power always interlink (Tangseefa, 2006). Entitlement to Thai citizenship is predicated upon two principles: blood and soil. The law of the blood refers to the requirement that the individual be descended from a national of the country, and the law of the soil is based upon birth in the territory of the country (Toyota, 2006 and Koser, 2007). In the context of Thailand, a full Thai citizenship is guaranteed by having an identification card which confirms that a particular individual has been verified as holding membership in the Thai state. The Thai identification card is a tool of the Thai state to differentiate Thai citizens and non-Thai citizens, whereas checkpoints are a technology of regulation, and state authorities are the agents of sovereign power. Once individual is recognized as a non-Thai-citizen, a so-called alien, they must be deported to their country of origin according to section 54, chapter 6 of the Immigration Act 1979: *"Any alien who enters or come to stay in the Kingdom without permission or when such permission*

expires or is revoked, the competent official will deport such alien out of the Kingdom."

Historically, it has been deserved that the transformation produced by economic development and growth in Thailand since the 1980s has created a labour market for low-skilled labours to support a larger scale of economic development. Mae Sot, therefore, is not only a point of migration. Economic growth due to trans-border trade and various economic activities is also one of the crucial characteristics of the town. The geography between Thailand and Myanmar at this point consists of porous spaces where people usually use social networks, e.g. smuggling, kinship and community ties for transmigration. Mae Sot is thus seen as an attracted place for migration in order to seek better opportunities. It can be said that there are the numbers of immigrants from Myanmar in Mae Sot Township.

Due to the porosity of the border, the Thai state, as per Pongsawat's argument (2007), established the regimes that regulate the flow of people and allow them to stay in Thailand as migrant workers to boost the Thai economy. In his dissertation, Pongsawat termed "The Regime of minority immigration" and "The Regime of registered illegal migrant worker" to illustrate that the Thai policy on non-citizens is predicated upon the promotion of economic growth and national security. The former refers to providing partial citizenship, in Ponsawat's terms, to "ethnic minorities". Individuals not considered full citizens of Thailand have been categorized into various classes by the Department of Provincial Administration, under the MOI (Paisanpanichkul, 2005). There are 18 different types of non-Thai citizen statuses,[14]

---

[14] According to the management policy of the Royal Thai Government for non-Thai citizens, the government via the Department of Provincial Administration issues identification document for the 18 different groups as follows: 1) Vietnamese refugee; 2) Former Kuo Min Tang soldier; 3) Thai Lue; 4) Immigrants of Thai race from Ko Kong, Cambodia; 5) Displaced person of Thai race and Burmese nationality; 6) Displaced person with Burmese Nationality; 7) Nepalese Immigrants; 8) Independent Haw Chinese; 9) Highlander and Hill Tribes migrating before 03 October 1985; 10) Lao immigrants; 11) Hmong refugees in Tham Kabok, Saraburi province; 12) Former Malayu Communist; 13) Illegal immigrants of Thai race from Cambodia; 14) Mlabri; 15) Burmese immigrants; 16) Haw Chinese Immigrants; 17) Highlander; and 18) People in highland communities. (Paisanpanichkul, 2005 and Luangaramsri, 2014).

which translate into different kinds of rights and entitlements. In accordance with the Central Registration Bureau 2004 Regulation on Issuing Identification Cards for People without Thai Nationality, the state has provided all groups with pink colour cards (Appendix C) in order for them to identify themselves and access specific rights and welfares (UNESCO, 2008).

In addition, separately from the regulation of minority immigration, the Thai government also determines to assign status to illegal immigrants who have stayed in Thailand for a period of time, according to the Strategy on Legal Status and Rights for Undocumented Persons under the cabinet resolution passed on 18 January 2005)UNESCO, 2008(. From the plan, the government classified potential targets into 3 groups for screening and provision of Thai citizenship as follows:

1. Groups that migrated and have lived in Thailand since before 18 January 1995 should be prioritized for the citizenship consideration process.
2. Group that migrated and stayed in Thailand since 18 Jan 1995 until 18 January 2005 will be considered as immigrants recognized by law, pending the citizenship consideration process.
3. Group that migrated and stayed in Thailand after 18 January 2005 will be considered illegal immigrants. The Thai government will thus cooperate with country of origin for the deportation process.

Before beginning the process of citizenship consideration, the government provides an identification card for members of these groups, excluding those in the third. The identification card is normally called a 10-year card, referring to the period of the card's validity. The card is white, and has remarks on the front stating that is an identification card for people without status, and includes biographical information (name, date of birth, address, dates of issue and expiration, and the signature of the issuing authority). On the back, it lists two remarks for holders. The first reads "this card is not a national identification card", and the second reads "please present the card whenever you have contact with the authorities" (Appendix D). The function of the card is to control people within registered areas, where they can access basic rights

and welfare such as education and health service. However, the holder can only travel and work within the registered area. If they want to travel outside the area, they must get a permission document from the district office. Distance and duration of travel which people will be allowed by the officer depend on their businesses (NSC, 2012). The primary objective of issuing those documents is to regulate those who are not full Thai citizens within fixed areas.

However, the border area can be considered an ambiguous and fluid space where movement of people between the borders might crosscut sovereign power of the Thai state. The power of the Thai state cannot absolutely penetrate to border areas. Due to the existing gap, displaced persons in the refugee camps have learnt how to access official identification documents such as identification documents for people without Thai nationality and identification documents for unregistered persons. They have used various strategies such as leveraging ethnic, religious and kinship networks, purchasing, and bribery at the local governance level to access the documents (see also Brees, 2009).

The Regime of registered illegal migrant worker refers to providing permission for immigrants to work legally in Thailand. The Thai government has invented two regularization policies: The Memorandum of Understanding process (MOU) and the National Verification process (NV). Under the first policy, the MOU procedure starts with the legal importation of workers from the three countries of Myanmar, Cambodia and Laos. This cooperation between the Thai government and these three neighbouring countries through the signing of an MOU allows migrant workers to enter and work in Thailand legally as so-called MOU migrants. The second policy allows for the legalization of irregular migrants already in Thailand through nationality verification, processed by governmental officials in the migrants' country of origin. These migrant workers are legalized through the acquisition of temporary passports from their governments. These are so-called NV migrants. Like Thai workers, MOU and NV migrants can enjoy the same entitlements such as social welfare, rights, and healthcare. Regularized migrant workers get temporary passports and work permits as identification documents (Natali, 2014). Importantly, Thai

authorities cannot arrest and deport migrant workers who have successfully undergone the NV process (Archavanitkul and Hall, 2011). Not only have the Thai government produced migrant regularization policies, but the Alien Employment Act 2008 can be considered a legislative guarantee that migrant workers can work legally in Thailand (Archavanitkul and Vajanasara, 2009). Figure 13 illustrates the spectrum of irregularity and regularity of migrant workers in the Thai system. It is arguable that legalized migrants can access some rights, welfares, and protection if they follow the regime of regularization, despite the fact that they can only access them partially. On the contrary, the regularization process makes migrant workers legible in order to manipulate them in consistent with the state system under discourses of economic development and national security (Scott, 1998).
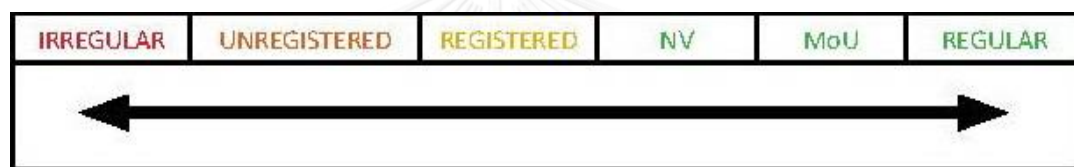
Note: NV and MoU in this figure, respectively, refer to: (a) migrants who entered Thailand as irregular migrants and attained their legal status through the NV system; and (b) those who entered through MoU and hence hold a regular status when they first arrived.

Figure 11 The Tiers of Irregularity and Regularity of Migrant Workers, IOM, 2009 cited in Natali, 2014

It can be argued that identification documents play an important role for the Thai state in regulating non-Thai citizens who reside in Thai territory, particularly in border towns like Mae Sot. The regimes also confirm the function of identification in making unidentified individuals legible. Theoretically, identification documents assign individuals an identity binding them to the sovereign power of the state, and positions them within the regime of citizenship (Laungaramsri, 2014). Not only can identification documents legalize non-Thai citizens, but they also create hierarchical categories within citizenship, which has three tiers: full, partial, and non-status (Keyes, 2002). In particular, the status of non-citizen refers individuals without legal identification documents issued by the state. These individuals are to be expelled from state territory, according to Thai immigration law.

4.5 Identification Document as a Technology of Power

In the previous section, I discussed the regimes of identification employed and described their significance in Mae La refugee camp and Mae Sot Township. Displaced persons need to be identified through the system of identification of the Thai state and international organizations for the purposes of control, manipulation, and surveillance; more importantly, the displaced persons need to hold identification documents in order to access certain entitlements, welfare, and protection, even in limited amounts. In this sense, identification documents play two important roles. First, they are a technology of power employed to monitor and control people by categorizing them as displaced persons. Second, they are used by displaced persons as strategic tools to negotiate for their rights, benefits, and eventually bring them from restriction to better opportunity (Pongsawat, 2007 and Luangaramsri, 2014). It can be argued that this is a trade-off relationship between being controlled and accessing entitlements.

I will further elaborate on how identification documents play a role in terms of population control and manipulation. However, I would argue that identification documentation, in practice, does not have any significance in and of itself, but rather, represents significance as assigned by sources of power including the Thai state, humanitarian regime, and the displaced persons themselves. The significance of identification documentation can be seen through particular regulations and benefits attached to the documentation, which the holders must follow. This portion of the analysis also showcases some of the stories of my interlocutors captured from my fieldwork in Mae La refugee camp.

4.6 Identification Document as a Tool of Population Control and Manipulation

Hyndman (2000) argued that a refugee camp is an institution, not a social community, which is created with the aim of providing humanitarian protection and

assistance to people who are outside their country of origin. However, it can be arguable that humanitarian assistance never separate from power of controlling. Under Foucault's concept of Governmentality (1991), identification documents can be considered as a form of control with disciplinary measures, which is bound to sovereign power and government. In other words, identification documents do not just uphold entitlements of displaced persons living in the camp, but also contribute to confinement, surveillance, and control. Managing displaced persons in a certain controlled area needs technology of power, or so-called techniques of control. Techniques of power in controlling displaced persons are employed in Mae La refugee camp and Mae Sot Township, and include measures such as headcounts, MOI-UNHCR registration, checkpoints, and other rule and regulations attached to various identification documents. Even though these techniques are employed differently, they share the same objectives, which is to control displaced persons.

4.6.1 Headcount as a Technique of Population Checking

A headcount is a technique for determining the level of the population living in the refugee camp. The Royal Thai Government usually uses it to count the population in refugee camps. When I conducted my research, which was between June and July 2014, just after the military coup in Thailand that ushered in the NCPO government, it was a difficult time for conducting research in the refugee camps, because the military government announced the restriction of movement in and out of the area. Specifically, displaced persons living in the camp were not allowed strictly to travel outside the camps.[15] Later, I learnt that the travel restriction for displaced persons in the camp was primarily to facilitate a population count[16] as Colonel Terdsak Ngamsanong, commander of the 4th infantry regiment, expressed to the media:

---

[15] Naing, S. Y. (2014, July 2). Travel Restrictions Tighten for Burmese Refugees in Thailand. Retrieved from http://www.irrawaddy.org/burma/travel-restrictions-tighten-burmese-refugees-thailand.html. Accessed on 06 August 2014.

[16] Headcount in Mae La refugee camp started on 18 July 2014 and was conducted for 22 days (Kaw Kee, pers. comm., Jul 29, 2014).

"We conducted the head count this time to get the exact number of those who fled the conflict… but whoever came here to work illegally, they will have to be treated in migrant worker system which they will lose their refugee status (sic) (DVBTVenglish, 2014)."

Per a conversation by phone with one of my interpreters, I learnt that headcount was conducted by calling displaced persons by house number in the camp. Displaced persons needed to bring photo identification documents, such as MOI-UNHCR HHRDs and TBC ration books, as evidence identifying those who are eligible to stay in the camp. The authorities would check every family member present at the time in comparison with a particular document. Moreover, the authorities checked family members and took family photos as evidence. Anyone who did not show up to be counted would be crossed off the list. (Kaw Kee, pers. comm., Jul 29, 2014). Again, I have learnt from the media that the authorities will enforce tight regulations on travel restrictions towards violators, as Preeda Foongtrakulchai, Mae La camp commander, explained to the media:

"…If refugees leave the camp area, they will be considered illegal immigrants…we will process)them(according to the immigration law by sending them to the police and they will be pushed back (DVBTVenglish, 2014)."

As the evidence, I argue that the recent headcount by the Royal Thai Government illustrates two critical points: First, I consider that travel restrictions and implementation of the headcount reflect the state of emergency announced by the Thai state. In this sense, a state of exception has been drawn under which the sneaking in and out for subsistence of displaced persons as an everyday life practice has been suspended (Agamben, 2005); second, headcount is an attempt by the Royal Thai Government in order to differentiate between refugee/displaced persons in the category of forced migration, and migrant workers in the category of voluntary migration. This division groups immigrants into fixed categories corresponding to the

law. Importantly, counting, I argue, can be considered analytically as the way that displaced persons reconfirm their identities as refugees who hope to be recognized by the state and the international community. I discovered that one of my interviewees who studies at pre-university outside the camp returned to the camp to be counted, as he told me:

> "It is important for me to return the camp as I still think that I am a member of the camp population…My mom called me to tell me that I must go back as this might be the chance for registration (Oh Oh, pers. comm., Jul 13, 2014)."

Normally, population verification in the camp takes place monthly and annually, administered by TBC. A TBC officer described to me that the officers conduct population verification monthly at the time of distribution. TBC officers verify displaced persons in each household by counting people who appear during distribution and interpret the data in the form of statistics. More importantly, TBC conducts Annual Population Verification (APV), which is conducted around October and November of each year to verify the population in the camp. Another reason for the APV is to guarantee rations for displaced persons in the next year, because TBC usually changes the ration books which will be used for displaced persons during that period. In order to get food rations for the next year, displaced persons must present themselves to the officers for verification and update TBC with any new information (TBC officer, pers. comm., Jul 25, 2014). This action confirms Hyndman (2000) that assessing population is a crucial process for both confining and assisting displaced persons. In other words, the counting process is a political technology of control and, simultaneously, a technology of protection.

4.6.2 Prospect of Registration

As mentioned earlier, there are several ways to determine the level of population in the camp such as headcount, monthly population checks, annual population verification by TBC, and official and unofficial population checks by Thai authorities. During my fieldwork, I met with displaced persons who previously lived

in the camp, but now live outside the camp for employment and education as a consequence of the various limitations in the camp. In case of adult displaced persons, even though they work outside the camp, they always get news from the camp, particularly news about MOI-UNHCR registration. They are always aware of situations in the camp because they are in contact with friends and relatives. Since displaced persons usually get unclear explanations from the authorities regarding the purpose of any given action occurring in the camp, news transmitted to people staying outside the camp can only be rumours, particularly, news about registration. Registration by MOI and UNHCR is related to eligibility for third country resettlement. Again, the latest official headcount by the military government created rumours around the refugee camp regarding whether this was for registration or preparedness for repatriation. However, Ther No, one of my interviewees, who stays outside the camp for work, returned to the camp when he got the news from his sister that headcount would be conducted, as he expressed to me:

> "I don't know what was the point of it (headcount), but I will return to the camp for this purpose because it is quite official…Maybe "whether it leads to a good or bad results, I will go back as I want them to know I am part of the camp population (Ther No, pers. comm., Jun 24, 2014)."

Not only has population in the camp been checked officially for registration, but Thai authorities also have unofficial population checking for de-registration as the MOI officer mentioned:

> "Especially, registered persons must show up when we (Thai authorities) call; otherwise, their status will be de-registered and they will become unregistered persons (MOI official, pers. comm., Jul 29, 2014)."

De-registration is a technique of Thai authority to terminate the recognition of displaced persons who will lose some entitlements, particularly third country

resettlement. Since displaced persons never know in advance when and for what purpose the authorities call them, displaced persons thus stay in the camp on stand-by; otherwise, their status will be terminated. From my data collection in the field, I have realized that all of my interviewees are concerned about their status because they do not want to have any problems with the Thai authorities. They thus follow official rules and regulations including staying in the camp permanently as Naw Pi stated to me:

> "I am unregistered person…I have spent most of my time in the camp since arrival because I cannot know when the UN and Thai authorities will call us for registration (Naw Pi, pers. comm., Jun 17, 2014)."

In this way, registration and de-registration play out as techniques of control by the sovereign power of the state and humanitarian agencies to freeze displaced persons in the camp as stagnant individuals. Not only can displaced persons be resettled to the third country, registered displaced persons can access to the most privileged status in the camp as stated in the TBC report (2014), which explained that unregistered persons have different access to programs and services. For example, they cannot travel across the camp for trainings, the process for requesting permission for medical referral to Thai hospital takes longer, and they cannot apply for positions in camp committees or as section leaders. Getting registration with an MOI-UNHCR HHRD as official document can nourish the prospect of displaced persons who want to seek better opportunities for their lives.

4.6.3 Checkpoint

Since the border is porous where sovereign power of state cannot permeate thoroughly, the checkpoint has been devised as a technique of control referring to state of police. It can be argued that a checkpoint is a "mobile border" set up to investigate, arrest and exclude "others" from state territory. Pongsawat (2007) argued that a checkpoint is a second boundary line to control "illegality, informality and criminality". In other words, I argue that bordering has been created wherever a

checkpoint is located. Bordering by checkpoint is a technical practice by the state where identifying people through identification documents plays a crucial role (Browne, 2005). In the same way, a checkpoint functions to sustain the regime of identification. Checkpoints are established for national security reasons, particularly around borders where the inflow and outflow of people and things are vague. With this framework, a checkpoint is a technology of power to strengthen the sovereignty of the state along with the demarcation of boundaries by map. National maps are not just tools to establish sovereignty within demarcated nation-state territory. Rather, checkpoints as mobile bordering confirm the sovereign power of the nation-state where identification documents are a technology of regulation (Pongsawat, 2007). Furthermore, identification documents create protection for holders because they reduce the suspicions of the authorities, and thus are a technology of protection. Checkpoints can actually be seen as unusual technology which is normalized in some exceptional spaces such as war and conflict zones, and border areas (Jaganathan, 2004). Thus, the primary function of checkpoints is to control movement of unusual people and things. I further argue that identification documentation also plays a significant role at checkpoints in terms of confirmation: confirmation of citizenship; and confirmation of the "legality" of outsiders.

First, a checkpoint is a technology of power to confirm membership in the nation-state, i.e. it confirms the citizenship of particular individual. Whenever people show their identification card to the authorities, their granted freedom of movement is thus confirmed. In the field, I, as Thai citizen, was not anxious when I came across, and was stopped at checkpoints, because I hold a Thai national identification card which confirms my civil rights in my own territory, i.e. an identification document confirm holder's political existence. However, I once encountered problems at a checkpoint during my fieldwork because I lost my Thai identification card. The police at a checkpoint in Mae Sot asked me to show my identification card, which I could not do. I was thus interrogated as to why I was in Mae Sot and where I was from. The police released me once I showed them my university student card which confirms that I am merely student, rather than an "illegal" person as they suspected. It can be

argued that not only can a national identification card be a tool of protection, but other identification cards, in my case a student card, also can create some protection.

Second, checkpoints are a technique of power to confirm the "legality" of the presence of non-citizens who live outside their own country in Thai territory. Analytically, a checkpoint is a technology of territorialization which restricts displaced persons to travel only within authorized spaces with limited time. This is why checkpoints play an important role in confining those people inside fixed spaces. As I described in the earlier chapter, displaced persons living in the camp must request permission document from the camp commander to travel outside the camp. The document displays their identities as displaced persons living in the camp. This document confirms their "legality" in travelling out of the stagnant state in the refugee camp. Even though this document can be seen as a travel ticket, specific times and spaces are listed on the paper so as to regulate the displaced persons. Normally, displaced persons get authorization to leave the camp for periods of between three and seven days (maximum) depending on the particular reason given, which, I discovered is usually a claim that the person has an appointment for a medical examination at the migrant clinic in Mae Sot. It can be noted that displaced persons cannot travel into inside territory with this document unless they have other strategic tools, such as bribery, smuggling and using irregular ways.

According to my observations, there are seven checkpoints set up by police and border patrol police between Mae La refugee camp and Mae Sot. Moreover, there are two important checkpoints demarcated at the camp entrance and the exit, which are controlled by the ranger army (*Thahan Phran*). These two checkpoints are crucial points to screen people in and out using identification documents. In addition, there are several checkpoints around the camps set up by territorial defense volunteers to monitor unusual people traveling in and out the camp. In the methodology part of this thesis, I described how I spent four weeks in the field for data collection, during which I observed transformation of policy and practice relating to political transformation in Thailand after coup in May 2014. As I accessed Mae La camp informally, I could access the camp through porous barriers for the first two weeks. Later, as previously

mentioned, strict restrictions on movement in and out of the camp were implemented, and Thai authorities, particularly at the checkpoints, monitored people strictly, as my interpreters informed me by phone:

> "In the camp, the committee announced by loudspeaker everyday
> that people are not allowed to go outside… territorial defense
> volunteers always asked people to show authorization documents
> if we passed the gate (Kaw Kee, pers. comm., Jul 30, 2014)"

After that, I travelled from Mae Sot to Mae La refugee camp by songtaew, a form of local transportation, for observation, and found that the police at the checkpoints asked all passengers to show their identification documents as never before. If displaced persons did not have authorized documents for travelling, they were pulled out of the car. According to my conversation with a Thai ranger, I found that the authorities received the policy from the military government to control and manage displaced persons in order to confine them within refugee camps, as the authorities suspected that people living outside the camp were disguising themselves as members of the camp population in order to gain benefits in the camp (Thai ranger, pers. comm., Jul 13, 2014). Subsequently, I met with student who actually lives in the camp as part of its population, but he stays in Mae Sot Township to study pre-university at the migrant school. He explained the difficulty he was in during the time of restriction:

> "I usually visit my family during the weekend, but this time, I
> can't because the authority in the camp is stricter on movement… I
> am afraid if I go back to the camp, I won't have a chance for
> studying in the school again (Saw Rah, pers. comm., Jul 15,
> 2014)."

According to my observation, again, the road running along Mae La camp was quiet, with no one walking along the road that I saw. Additionally, there were several new checkpoints situated along the road where internal security guards operate, and

porous fences around the camp had been fixed, including the channel I used to sneak into the camp (Figure 14). Referring to Agamben (2005) again, this situation indicated the state of emergency which state had announced to suspend some rights that had been practiced in everyday life on the ground. Put another way, the transformation of political situations in Thailand always affects marginalized people in some way, and in this case, as shown in my case study, the transformation affected displaced persons in refugee camps.

Figure 12 New Checkpoints Situated along Mae La Refugee Camp Road.

4.6.4 Rules and Regulations attached to Identification Documents

Identification documents, such as temporary passports, work permits, IDs for people without Thai nationality, and IDs for unregistered persons, are also attached to various forms of regulation and control for the holders.

4.6.4.1 Temporary Passport and Work Permit

Migrant regularization policy can be illustrated how Thai state make invisible subjects legible and control them correspond to the law. Initially, migrant workers who want to join the NV process have to give biographical information to their governments for affirmation, and such information can be checked and monitored by both the migrants' home country and the Thai state to avoid law violation in both

countries. At this stage, some migrant workers decided not to join the NV process because they are afraid of the risk of persecution, particularly ethnic minority migrants from Myanmar (Hall, 2011). Like NV migrants, the basic information of MOU migrants needs to be provided to the country of origin, which will be shared with the Thai government.

Though the regularization policy renders migrant workers visible in society, making it possible for them to access rights, e.g. social security, health insurance, and unrestricted movement the same as Thai workers have, I argue that such entitlements are bound with a new technology of power to control migrant workers. It is understandable that many migrant workers want to work and stay in Thailand legally in order to avoid coercive power such as arrest and deportation. However, regularization is not just a crucial tool for them to be legal subjects, but also transforms regularized migrant workers into a docile body with a new form of technology of power, or so-called "discipline (Foucault, 1979). Although regularized migrants work legally, they are allowed to work no more than four years, after the first two years of work they have to request extension for another two years. After working for four years, migrant workers need to wait for another three years to work in Thailand again. This is a systematic way not only to measure demand of migrants in labour market, but also to regulate the number of migrant workers from neighbouring countries with certain timeframe.

Those migrants are compelled by law to report themselves to the immigration office every 90 days (Hall, 2011). Information such as their current address and employer has to be provided in due time. This inevitably creates discipline to migrant workers, who have to follow the regulations lest they be considered law violators. After regularizing, migrant workers will receive documents such as temporary passports, identification certificates, and work permits. It can be argued that these documents are effective tools for the Thai state to control migrant workers. Work permits can be seen as controlling tools to tie migrant workers with their employers because they are not allowed to change employers according to their wishes, although technically migrants have this right (Derks, 2013).

4.6.4.2 ID Cards for People without Thai Nationality and for Unregistered Persons

ID cards for people without Thai nationality or ethnic minorities and for unregistered persons can be considered as one strategy of the Thai government in providing the legal status to those people (UNESCO, 2008). This shows that the Thai government has attempted to include non-Thai citizens as outsider of Thai state and unregistered persons as illegible people to Thai laws. The identification card issued by the Thai government comes with attached regulations, which the holders must follow. Otherwise, they violate national law. The cards represent three techniques of controls in this context: residential permission; restriction of movement; and restriction of work.

According to the NSC (2012), the Thai government grants permanent resident status for 13 groups as follows: Vietnamese refugees; former Kuo Min Tang soldiers; independent Haw Chinese and Haw Chinese Immigrant; Thai Lue; Immigrants of Thai race from Ko Kong; displaced person of Thai race and Burmese nationality migrating before 09 March 1976; displaced person with Burmese nationality migrating before 09 March 1976; nepalese Immigrants; highlander and hill tribes migrating before 03 October 1985; Laotian immigrants; Hmong refugees in Tham Kabok; and former Malayu Communists. The government also grants temporary resident status for 5 groups as follows: Highlander and hill tribes migrating after 03 October 1985; Burmese immigrants migrating after 09 March 1976; Laotian immigrants; illegal Cambodian immigrants; and displaced person of Thai race and Burmese nationality migrate after 09 March 1976.

Even though the government has permitted the cardholders to stay in Thailand, they are only allowed to stay and travel in the district where they were registered. If they want to travel outside the district, permission must be requested from the district officer. If they want to travel outside the province, permission must be requested from the provincial governor. The permission is granted for no more than 15 days. If a request is made to be absent from the area for more than 15 days, the provincial

government will consider granting permission on a case-by-case basis. The authorities will issue the travel permission document, and the destination and duration of the travel will be listed on the document. Importantly, people who request to travel outside the areas must report at the district office when they return to their residence (MOI, 2000 cited in UNESCO, 2008). These restrictions are explained by Tha Dar, who holds an ID card for unregistered persons, as follows:

> "The card offers temporary legal status…you can see that we can travel and work, but within limited location and period…if we want to go to other places, we must ask permission at district office…it is a complicated process to contact the Thai authorities as we do not have full Thai citizenship (Tha Dar, pers. comm., Jun 24, 2014)."

The penalty for people who do not follow the regulations has three degrees: the first time, they will be warned by the Thai authorities; the second time, they will be fined 500 baht; and the third time, they will be fined 500 baht, and must report themselves at the district office every month for 3 months (MOI, 2000 cited in UNESCO, 2008).

In terms of work, the card holders can work legally in registered areas by requesting permission at the office of employment in their area of residences. However, they can work in 27 restricted areas of employment for people who have ID card for people without Thai nationality and for unregistered persons such as mechanic, masonry, carpenter, painter, livestock, and gardener etc. according to Ministry of Labour.

As can be seen, rules and regulations are applied for the holders. Particularly, they keep their documents with them at all times in order to be shown to authorities, otherwise they will be fined and lose the benefits to which they are entitled. Such policy can be seen as an ingenious technology of control, which the holder must follow, but which he or she follows willingly.

4.7 Summary

The regime of identification which has emerged in the context of Mae La refugee camp and Mae Sot Township places both locations in a state of exception. Documentation practices in these areas can be seen as a technology of power employed by the Thai state and humanitarian agencies in order to govern, control, and monitor people and territory. In addition, identification documentation is a tool to assign membership to people. It can also serve as evidence for holders to confirm their identity and status. Displaced persons in Mae La refugee camp need to be identified, and obtain the documents which allow them to stay and access certain entitlements. People and territory at the border in Mae Sot as porous areas are also controlled through identification documents. For migrant workers and ethnic minorities at the border, rules and regulations, such as restriction of movement and work attached to the documents, are enforced. Deportation is the highest cost for people who violate the regulation.

The regime of identification in which identification documentation plays an important role creates legible society in Mae La refugee camp and Mae Sot Township. Displaced persons become visible in the eyes of the authorities for the purposes of control and manipulation. In addition, other techniques such as counting and checkpoints relating to identification documents also play a crucial role in regulating people in both refugee camps and border areas. The regime can be seen as a technique of spatial and population management.

Not only can documentation function as a control, but right and entitlements are also attached. While some of the political fabrics through identification documents have been woven to make these displaced persons visible to the very eyes of the state, documents are also a useful tool for them to strengthen their existence and thus gaining access to life opportunities as well. In the next chapter, I illustrate how identification documents are employed as a technology of power, not only by the

authorities, but also by the displaced persons themselves, in order to gain access to protection and benefits as well as to negotiate with the controlling power so as to seek better opportunities. As I argue, not only can identification documents be a technology of negotiation for entitlements in Mae La refugee camp, but are also used by displaced persons so as to be transverse the confinement and setting categories. It cannot merely refer to resistant tool of marginalized people. Rather, displaced persons can be considered strategic agents who understand the situation on the ground.

CHAPTER V
IDENTIFICATION DOCUMENTATION AS REVERSE
TECHNOLOGY OF POWER

5.1 Introduction

The two previous chapters illustrate how identification documents have functioned as technology of power in Mae La refugee camp and Mae Sot Township. Then, I analyzed how identification documents play important roles in terms of regulation by the Thai state and other humanitarian agencies. This is termed the "regime of identifications to explain those characteristics.

This chapter discusses the strategic agency of displaced persons. As strategic agent, displaced persons not only know how to negotiate with the controlling power, but also negotiate in a way that crosscuts both confined space and assigned categories. The objective of this thesis is to argue that the regime of identification exists and functions in ambiguous space, particularly in refugee camps and border areas where identification documents function as technology of power. However, displaced persons in Mae La refugee camp have learnt how to use identification documents as strategic tools to access humanitarian assistance and protection. In addition, displaced persons use these tools to negotiate for better opportunities in terms of work, education, and citizenship. In this chapter, I start to discuss how identification documents can be seen as a reverse technology of power. I thus discuss how displaced persons use identification documents and the three purposes for which they use them: for identification and self-identification; for accessing humanitarian assistance and protection; and for negotiating for better opportunities outside the refugee camp. In doing so, I weave this argument together with the narratives of displaced persons, who discuss how they live under the regime of identification and negotiate the regime using identification documents. Thereby, it can be argued that displaced persons should not be considered passive actors waiting for humanitarian assistance. Rather, they should

be reconsidered as strategic actors who have their own ways of seeking better opportunities.

5.2 Identification Document as Reverse Technology of Power

"No identity card, no rights…life is difficult in Thailand if we do not have it (identity card) (Tha Dar, pers. comm., Jun 24, 2014)."

In this thesis, I argue that displaced persons in the refugee camp cannot just be seen as passive actors who wait passively for humanitarian assistance, because they use various strategic techniques for survival. In the state of limbo that reign in refugee camps, displaced persons have learnt how to live within, as well as how to survive, in the existing system. Those include using social networks relating to ethnicity, religion and kinship, and sneaking in and out of the camp, as well as unconventional strategies, such as buying official identification documents, bribery, and counterfeiting identity documents etc. Such strategies crosscut spaces, both the barbed wire of refugee camps and nation-state boundaries (Lee, 2007, Brees, 2009, Agier, 2011 and Olsen and Nicolaisen, 2011). It is argued that displaced persons use various strategies to defy controlling systems to seek alternative solutions.

To analyze this from a different angle, the strategic movement of displaced persons crosscutting confinements illustrates that techniques of controlling used by Thai authorities and humanitarian agencies are not absolutely effective because both borderlines and barb wire are penetrable. It also demonstrates how the sovereign power controlling displaced persons is fragmented (Hyndman, 2000). However, Bauman (2002) argued an interesting point that not all displaced persons challenge existing regulations which freeze them in the camp. Rather, a small number of adventurers follow their own wills. They hope that the strategies they apply can bring them to better opportunities. These displaced persons may face either lack of protection, or accessing only limited opportunities, as they are "illegal".

Displaced persons who currently stay and previously stayed in Mae La refugee camp, but who have now integrated into Thai society to some extent are my study targets. I would like to know what strategies they use to seek better opportunities outside the camp. Among my 10 key informants, I found that various identification documents are part of the strategies they use to seek better opportunities outside of the confinement (see also Brees 2009). However, Brees (2009) argued that displaced persons may not be able to access documents easily because the processes take time, and money is involved. My thesis thus argues that displaced persons reverse identification documents, converting them from a technology of control into a technology of negotiation. First and foremost, I argue that identification documentation plays role in identifying the holders and self-identifying because displaced persons, as the document holder, can access some entitlements. I then discuss how displaced persons use identification documents to access humanitarian assistance and protection and to negotiate for better opportunities.

5.3 Identification Document as a Tool of Identifying and Self-Identifying

In the context of Mae La refugee camp, refugees people who have been deprived of citizenship in both country of origin and country of asylum (Agamben, 1998 and Agier, 2011). However, the international refugee regime, which consists of the relevant laws and norms that define the status of refugees and determine their rights and obligations, re-dresses them in the form of "refugee", where their identity, culture and history are simplified under the refugee designation as victims of conflict (Malkki, 1995 and 1996). The new identity as a refugee generates "refugeeness" among displaced persons, which ties their bodies to exceptional regulations. From this way, my study argues that refugeeness can be proved through identification documentation displaced persons possess. Not only does identification documentation play a role for the Thai government in identifying displaced persons fleeing conflict, the documentation also creates a sense of self-identification for the displaced persons who hold it. It can be argued that being recognized by the Thai government and

humanitarian agencies is the way to access entitlements such as third country resettlement, food/non-food items, and other privileges. As a result, displaced persons in Mae La refugee should follow the main narratives relating to refugeeness[17]. As my case study in Mae La camp shows, displaced persons who have an MOI-UNHCR HHRD as an official identification document often feel that they are "real" refugees:

> "The UN document confirms to me that I am a refugee who experienced suffering from persecution (Naw Bee, pers. comm., Jun 17, 2014)."

Even though this self-identification is related to the mainstream story about refugees circulating in the camp, displaced persons I met felt that being recognized through identification documents creates a new identity, generating a hope that they can be legible in society so as to gain assistances (see also Feldman, 2008). Even though I agree that those people are simplified into vulnerable and desperate life whose own identities and histories are unvoiced (Malkki, 1996 and Rajaram, 2002), being recognized as a refugee can be seen as a strategic tool of displaced persons in officially gaining assistance and protection to some extent. This would serve as a counter argument challenging the views of Malkki (1995 and 1996) and Scott (1998).

Malkki has clearly established that displaced persons from Myanmar have been simplified as conflict victims requiring humanitarian assistances. She argues that refugee identity is usually formalized as an object of protection and manipulation. All of my interlocutors, particularly unregistered displaced persons, hope that UNHCR and the Royal Thai Government will unlock the registration system for displaced persons in the camp to be able to resettle to a third country. It is undeniable that being recognized as a refugee is the path to legitimation and access to entitlements, and

---

[17] Please see more discussion on labeling relating to development policy in Wood, G. (1985): The Politics of Development Policy Labelling. *Development and change, 16*(3), 347-373, and see discussion about labeling and identifying as a refugee in Zetter)1991 and 2007 ,(and Chapter 5, Sharples, R. (2012). Spaces of Solidarity: Karen Identity in the Thai-Burma Borderlands, Phd. Dissertation in School of Global Studies, Social Science and Planning Design and Social Context of RMIT University.

identification documents prove that their holder has been so recognized (Agier, 2011). Hence, refugeeness cannot be seen solely as inferior status in making people faceless from own history and identity (Malkki, 1995 and 1996, Rejaram, 2002 and Tangseefa, 2006). Rather, it is a technology of power leveraged by displaced persons to make them legible for the purpose of accessing humanitarian assistance and entitlements.

Another counter argument to Scott (1998) is that the categorization of persons as refugees is a technique intended, on the one hand, to simplify complicated individuals and make ambiguous individuals legible in the eyes of the state, and on the other, to administer and control. Not only do state and humanitarian agencies want to make refugees legible for their purposes, but displaced persons, themselves, also want to be legible in the eyes of state and humanitarian agencies (see also Sangkhamanee, 2013). My case study illustrates that unregistered displaced persons attempt to make themselves legible in the eyes of humanitarian community in order to access better entitlements, i.e. they want to be counted as recognizable displaced persons under the international refugee regime. In this sense, refugeeness is also a strategic technique for displaced persons who can be considered active agents. This is different from the old-fashioned view of displaced persons as passive actors. Because identity and identification rely on each other, identification documentation signifies to people living in the camp who self-identify as refugees (Lyon, 2009).

As the complexity of individuals has been reduced into set categories, identifying people engenders a problematic effect of categorization, and later generalization (Bauman, 2002 and Lyon, 2009). It can be argued that official categorizations within migration studies are problematic because conventional approaches separate politically and economically induced migration as two distinct phenomena without allowing for overlap. In fact, displaced persons can be seen as multi-dimensional actors with complex migratory pathways and who crosscut the conventional categorizations as mentioned. Mix migration flows and the asylum-migrant nexus illustrate a blurred distinction between migratory inducements, in which economy, livelihood, poverty, conflict, and rights violations between involuntary and voluntary migration can be mixed (Castles and Miller, 2009 and Van Hear, 2011). This same categorization dominates in the policy making of states as relates to

migration. Normally, law and regulations regarding migration apply to displaced persons and are enforced according to the two categories of "refugee" and "migrant.

Between 2008 and 2009, there were serious problems with resettlement fraud in the camps in Thailand. As mentioned in chapter three, only registered displaced persons with the MOI-UNHCR HHRD are eligible to apply to the resettlement program. Hence, one of the normal patterns for resettlement fraud is buying a registered identity and MOI-UNHCR HHRD, which confirm that the holder is eligible to apply for third country resettlement (TBC, 2008). According to TBC reports in 2009-2010, approximately 75-80 percent of the fraudulent cases occurred in Mae La refugee camp (TBC, 2009 and 2010a). According to Saltman's argument (2014), fraud in resettlement can be seen as a strategic tool; even this means should be countered that questioned with ethical issue, to defy restrictions in the camp, particularly the suspension of registration. He continued by arguing that people who engage in fraud combat the system to obtain refugee status via alternative means. It can be argued that refugeeness is bound to identification documents, as registered displaced persons are merely legitimacy for the third country resettlement which those are recognized as "genuine refugee/displaced persons fleeing fighting". On the contrary, a false refugee is created as a binary opposition referring to displaced persons without official documentation and is not qualified to access durable solutions.

5.4 Identification Document as a Tool of Accessing Humanitarian Assistance and Protection

Basically, displaced persons living in a refugee camp, no matter what identification documents they have, can access basic humanitarian services such as schools and hospitals. However, the identification documents employed in the camp are crucial tools for displaced persons in accessing assistance because the Thai state, UNHCR, and displaced persons themselves, consider those documents as beneficiary documents. Importantly, in order to receive those benefits, the identities of the displaced persons must be confirmed through identification documentation. A TBC

officer provided me with information that "There are actually two types of new arrivals who we consider for assistance: those who are eligible to stay in the camp; and those who are eligible to stay in the camp and get food rations and other benefits (TBC officer, pers. comm., Jul 25, 2014)." Displaced persons, particularly new arrivals, who want to stay in the camp "legally", must have a household census issued by a section leader. In the same way, if any displaced person wants to access food and non-food distribution, they must be verified by the screening-in process and later identified as vulnerable people holding a ration book. This argument has been confirmed by a TBC officer's statement:

"Any type of displaced person living in the camp has their name listed in a ration book so they can access food and non-food items (TBC officer, pers. comm., Jul 25, 2014)."

Even though identification documentation is a gateway to humanitarian assistance, it can be argued that the distribution of food and non-food items is one technique of control. Collection of rations comes hand in hand with confinement and population checks. In order to get rations, displaced persons must present themselves at distribution time, which means that they must stay in the camp. A TBC officer described ration regulations as follows:

"TBC set up the rule called no show no ration[18]…if a person does not show up for food/non-food distribution, they cannot get the ration (TBC officer, pers. comm., Jul 25, 2014)."

This practice arguably proves Hyndman's argument (2000) that the distinction between humanitarian assistance and technologies of control is blurred, because

---

[18] Even though the "no show no ration" has employed in refugee camps, it does not strictly function because exemptions from the regulation can be made. Displaced persons who cannot appear at the time of distribution must have a reasonable explanation as to why they cannot. Those persons can be teacher, medical staff, and camp committee members who must complete an exemption form and be verified by TBC staff, camp management and CBOs (TBC, 2010b).

displaced persons must be present to be counted in order to get entitlements existing in the camp.

However, it should be borne in mind that the power of regulation cannot permeate pervasively in the refugee camp. In addition, it can be argued how sovereign power of control is fragmented. Although the "no show, no ration" policy has been set up to efficiently distribute rations and confine displaced persons in the camp, it is undeniable that a gap between policy and implementation always occurs. It is stated in TBC report between January and June 2014 that officers and local authorities, including camp committees and section leaders, are involved in corruption because they permit no-shows and people working outside the camp to get rations through bribery.

Consistence with humanitarian assistance, protection as refugee also applies to displaced persons living in the camp as prima facie status. The principle of non-refoulement is one of the most important rights for displaced persons who are identified as refugees. According to article 33 of the 1951 refugee convention, the principle has been proposed that no person shall be returned against his or her will to a territory where he or she fears persecution. Because identification documents are related to identification and self-identification, the displaced persons I met in Mae La camp felt more secure when they had an MOI-UNHCR HHRD and TBC ration book which indicate that they are allowed to stay in Thai territory as refugees, and, more importantly, that they will not be forcibly returned to Myanmar against their will (Saltsman, 2014).

Saw Aye expressed that "I feel secure when I stay in the camp which is the only place I can live legally in Thailand (Saw Aye, pers. comm., Jun 20, 2014)."

Nu Nu also expressed that "Since I have a UN document, I and my family feel secure on some levels because I believe that we will be protected by UNHCR (Nu Nu, pers. comm., Jun 17, 2014)."

In terms of Thai authority, I received information from the immigration police in Mae Sot about the process of deportation that displaced persons should have some documents from the refugee camp. If they can be proved to be a camp resident, the officials normally send them back to the camp. If no, they are deported on the basis of illegal entry, as the police state:

"Those people usually claim that they are refugee to avoid deportation…for the authorities, we need evidence…if they have none, they should be deported like the others (Immigration police, pers. comm., Jul 12, 2014)."

The last step for "illegal" people before deportation is a visit to the immigration office where they have the right to inform relatives or concerned persons regarding their confinement like other internees. Moreover, the Thai immigration police cooperate with other humanitarian organizations in interrogating internees to classify people in particular groups. At this point, "illegal" people can contact humanitarian organizations for release if they can prove that they are refugee camp residents. Again, identification documents issued by UNHCR like the MOI-UNHCR HHRD plays a role as evidence confirming that "illegal" people are "Displaced Persons Fleeing Fighting" from refugee camp. As a Thai immigration police officer stated to me:

"We do not send illegal people back without interrogation and differentiation…at this stage, we work with other humanitarian organizations that we don't make mistakes in deportation …for camp residents, they should have UNHCR documents in hand, we will then send them back to the camp (Immigration police, pers. comm., Jul 12, 2014)."

The data I got from the immigration police is consistent with A TBC report stating that registered displaced persons who have an MOI-UNHCR HHRD are

normally sent back to the camp, whereas unregistered persons will be deported to Myanmar for illegal entry (TBC, 2014).

Even though refugeeness through the MOI-UNHCR HHRD has created a protection field for registered displaced persons, when they are arrested outside the camp they usually represent themselves as illegal immigrants, rather than as camp residents. This is because they are afraid of being de-registered and losing refugee status which is an outcome that an experienced NGO officer working in the refugee field in Thailand indicated is possible (NGO official, pers. comm., Aug 29, 2014). One of my interviewees in Mae La camp who had been arrested outside the camp expressed that:

"In the past, I would be arrested because I had no legal documents when I worked outside the camp…I never told the police that I was from the camp because I was afraid of be expelled from the camp…Once, I was sent back to Myawaddy, but I was able to get back to Mae La a month afterwards (Saw Aung, pers. comm., Jun 16, 2014)."

According to data from the field, it is provable that identification documents for displaced persons demonstrably create some protection, even though it cannot conclusively be determined whether or not they will be deported. However, it might be argued that displaced persons, no matter which identification documents they have, must have an authorization document from the camp commander in order to travel outside the camp. In the view of the state, displaced persons from Myanmar are in an "illegal" status, which means they must be confined in the shelter with transient time because, freedom of movement of displaced persons entails difficulty of management. It can be argued that the identification documents of displaced persons are important within specific spaces and times, i.e. those documents allow displaced persons stay in arranged space with an extended temporary period. Importantly, in that space, they are treated and provided with assistance as vulnerable people whose bodies and identities are counted as a part of the humanitarian regime. Nonetheless, I argue that

provision of humanitarian assistance always brings population management along with, in the sense of surveillance and control, in which identification documentation still plays an important role along with other techniques of power.

While I was conducting research in Mae Sot, I learnt that displaced persons who decided to leave Mae La refugee camp have learnt the significance that identification documents have for for their lives, and they use them to pursue their livelihoods. In addition, those who want to seek better opportunities outside the camp have also learnt how to apply various identification documents to respond to those needs that the refugee camp cannot provide. First and foremost, freedom of movement is the right for displaced persons to seek better opportunities, i.e. other rights will come after displaced persons access the right of movement out of the confinement. Identification documents therefore create protection for displaced persons when they travel outside the camp to seek expanded rights and opportunities.

The narratives of displaced persons who previously lived in Mae La refugee camp, but who currently stay outside the camp will showcase how they have used identification documents in negotiating with the regime of identification. I analyzed that displaced persons negotiate with the regime for the right to work, right to education, and right to citizenship, which I illustrate through narratives offered by displaced persons as follows.

5.5 Identification Documentation as a Tool to Negotiate Better Opportunities

5.5.1 Negotiating Right to Work

Due to limited employment opportunities as mentioned in chapter 3, displaced persons thus seek employment opportunities outside the refugee camp. Since refugee camps are located along the Thai-Myanmar border, displaced persons in the camp usually seek job opportunities in border towns either on the Thai side or Myanmar side. Working outside the camp without documents causes displaced persons from the

refugee camps to fall into difficult situations and encounter various risks. Hence, official identification documentation verifying the right to work is a crucial protection tool for them. The following narratives show how displaced persons from Mae La refugee camps use identification documents to negotiate the right to work.

It can be argued that it is not always possible to make a clear distinction between different migration inducements of displaced persons living in the refugee camps. Rather, various inducements tend to conflate. Displaced persons may be fleeing either from conflict in Myanmar, or from development problems such as lack of employment opportunities, lack of education opportunities, or lack of public services etc. Initially, displaced persons are forced to come to a refugee camp as part of conflict-induced migration. However, situation in Myanmar has lasted long than they can return. They thus seek out opportunities in the refugee camp or surrounding areas. The following are narratives from Saw Tae and Thong, who sought out job opportunities after both spent some time in Mae La refugee camp.

Saw Tae and Thong are second-generation Karen displaced persons in Mae La refugee camp. Their parents brought them to the refugee camp while seeking asylum due to conflict between Burmese military and Karen ethnic groups which brought them to the refugee camp in the 2000s while they arrived in Mae La refugee camp after official registration, which means that they are unregistered. However, both of them receive assistances such as food rations, education and medical services through humanitarian programs.

When Saw Tae and Thong finished the highest education level offered in Mae La refugee camp, they decided to leave the refugee camp to seek job opportunities in Mae Sot Township. Thong expressed to me:

"If had stayed in Mae La, I would have no future…I decided to give up my refugee status, and look for better opportunities…since then, I have never gone back (Thong, pers. comm., Jul 10, 2014)."

Both of them understand that identification documents such as passports and work permits are important for finding a job in Mae Sot. However, they discovered that getting the documents was not easy. In the case of Saw Tae, he started to work as an undocumented migrant in a guesthouse at noon, where he earned 3,000 baht per month. He got a job in a restaurant at night to obtain an additional income 1,500 baht per month. He saved his money to use to obtain a passport in order to get a work permit, because he felt that those documents could help him get work easier, and he would be able to earn more income. He also pointed out that the documents are a tool for him to travel from place to place, and protect him from the police. He expressed to me that:

"When we try to get money, all our money goes to the police…It is
difficult if we do not have any documents here…I want to be free,
not hide anymore, so I looked for a way to live legally in Thailand
(Saw Tae, pers. comm., Jul 09, 2014)".

Saw Tae faced some difficulties in getting his passport and work permit, because he was cheated by broker the first time, causing him to lose his savings of about 12,000 baht. Later, he got a better opportunity working at another guesthouse, where he still worked at the time of writing, because he has a good command of English. He now earns about 6,000 baht per month, and he was finally able to take his savings of 14,000 baht to have a passport and work permit issued in his name. It is notable that his employer never offered to do the documents for him. Rather, he had to attempt the process himself. The process he followed makes him an NV migrant worker who went through the National Verification process in order to work legally in Thailand. Since he has official documents allowing him to work legally in Thailand, he feels more secure when he travels, as he said that:

"I do not need to worry anymore since I have documents with
me…I can show the police when he asked…I do not feel illegal in
Thailand anymore (Saw Tae, pers. comm., Jul 09, 2014)."

Even though Thong considers that identification documents such as passport and work permit are important for finding a job, he uses a different strategy Saw Tae. He started working as freelance interpreter in Mae Sot, where researchers and NGOs often hire him for temporary jobs. He nonetheless leveraged his Karen ethnicity in networking to get a job with the Karen Human Right Organization in Mae Sot, provided him with an organization card. He feels more secure with the card, even though it is not official. As he expressed:

"Of course, the (organization) card is acceptable for the local police…it is better than nothing…moreover, I always try to learn Thai language and culture in order to communicate with the police…not only document problems, but getting into any problems with the police also depends on the way you act and the way you look (Thong, pers. comm., Jul 10, 2014)."

During the interview, Thong received a phone call from his mother who still lives in Mae La refugee camp to tell him about the military headcount. His mother invited him to go back to the camp; otherwise, his name would be cut from the ration and population lists. He intended to stay outside, and told his mother that he is no longer a camp resident. He expressed to me that:

"Since I decided to leave the camp, I decided to give up refugee status…I feel enough with valuable time in the camp where I received a good education and work experience, but my life needs to be better (Thong, pers. comm., Jul 10, 2014)"

Thong feels that identification documents would give him more freedom of movement and more job opportunities. He thus attempted to get a passport and work permit in order to fulfil his dream, as he expressed that:

> "I want to work for Karen people, especially with young people by inspiring them to work for our community, so I must have official documents to work legally here (Thong, pers. comm., Jul 10, 2014)."

It is also possible for displaced persons to cross the border to the Myanmar side to seek work, further confirming how porous border is. As a result, displaced persons may go back and forth between Thailand and Myanmar seeking job opportunities. Saw Go's story, below, illustrates why displaced persons from Mae La refugee camp cross the border to Myanmar to work.

Saw Go is Pwo Karen who used to live in Mae La refugee camp, but now works as local transportation driver in Myawaddy, the Myanmar border town located across the river from Mae Sot, where he can earn approximately 300-400 baht per day. He is unregistered, having arrived Mae La refugee camp in 2006 because the Burmese military had arbitrarily forced him to work as construction laborer. In 2013, his relatives called him to work in Myawaddy. He then sneaked out of the camp and crossed the Thai-Myanmar border by boat. The main reasons that led him to seek a job outside of the camp were limited job opportunities and reductions in food rations. Another crucial reason is that he had hoped to be registered in order to resettle to a third country, and has waited for the re-opening of official registration for a long time because the process has been stopped Therefore, he went in search of other solutions to pursue his livelihood, which he expressed as follows:

> "I spent most of my time in the camp in order to wait for registration, but nothing happened...I thought it is time to find another way for survival (Saw Go, pers. comm., Jun 25, 2014)."

Saw Go, who has no documents other than the TBC ration book, works in Myawaddy without any documentation-related difficulties, rather than TBC ration book. His case reflects the fact that the regime of identification does not function effectively in Myanmar. In other words, the system of population verification relating

to rights and welfare is still a work in progress in Myanmar. By contrast, he felt insecure when working in Thailand because he was afraid of being arrested by the police due to lack of documentation. As he stated:

> "In Thailand, I am scared of the police as I do not have any
> documents, so I cannot work there…In Myanmar, though I do not
> have an ID card, I can work without arrest by the police (Saw Go,
> pers. comm., Jun 25, 2014)."

However, Saw Go still considered himself a refugee camp resident, though he no longer gets rations in the camp. However, he still returns to the camp for the Annual Population Verification in order to keep his status in the camp. This thus gives him a dual identity as both refugee and migrant worker. The status of dual identities crosscut setting categories which are difficult to manage in the view of authorities (MOI official, pers. comm., Jul 29, 2014). This further supports the argument that the distinction between the refugee and migrant categories is blurred. In this case, Saw Go circumvents the rules and regulations controlling him. As a displaced person using such techniques, he would be seen as an "illegal" person in the view of the Thai Government and humanitarian agencies. Those people can only be considered opportunity seekers who take advantage of the system, and they are not adequately qualified for refugee entitlements, and thus are referred to as so-called "false" refugee (Agier, 2011). However, it can be argued that the existing system is overly containing for displaced persons within limitations. Because they cannot live for extended periods under the current camp conditions, which were initially designed only to provide bare temporary subsistence, they therefore apply various strategies for survival.

5.5.2 Negotiating Right to Education

Several previous studies have discussed the educational programs in the camps showing that basic education programs from Kindergarten, Primary school, Secondary school, High school, Post-secondary and vocation training have refugee camps (Vungsiriphisal et al., 2010, Oh, 2010, Chalamwong et al., 2014) However, there are many gaps in the provision of education in refugee camps. Inadequate learning and

teaching materials, lack of teachers, lack of an official curriculum and lack of outside recognition for camp degree certificates and limited opportunities for higher education pose challenges for young displaced persons (Vungsiriphisal et al., 2010 and Till, 2011). Particularly, displaced persons have minimal chances to continue their education at higher levels" or at university level, because they do not have legal identification documents such as passports and recognized secondary education diplomas. In addition to the limited higher education opportunities in the camps, it is worth examining special education programs provided in Mae Sot to better understand what other types of opportunities are available to young displaced persons.

Education is a crucial tool for upgrading one's life and social status, because people can use the knowledge acquired through education for their subsistence and survival. In this sense, displaced persons in Mae La refugee camp see education as a tool to climb in status from "illegal" to "legal". Migrant schools providing special education programs for children from both migrant and refugee families in Mae Sot are institutions that have created opportunities for young displaced persons to access higher education, which is limited in the refugee camps. Moreover, the institutions can also be seen as places where displaced persons can be legalized. Migrant schools in Mae Sot are normally organized by people from Myanmar in cooperation with international organizations in order to provide a curriculum designed in-house (Lee, 2007). However, Lee (2014) explained that the Thai government has engaged with this informal education system by registering migrant schools as "learning centers". In this way, migrant schools in Mae Sot have been transformed from "non-state informal institutions" to "quasi-regular education institutions" (Lee, 2014). Migrant schools in Mae Sot are considered as acceptable institutions alongside official schools in the Thai education system.

With social network among displaced persons in Mae Sot, I had a chance to interview young displaced persons from Mae La refugee camp who either currently study in a migrant school, or graduated from one. All five of my key informants informed me that they wanted to continue their education after graduating from the post-secondary school provided in Mae La refugee camp. However, no further

education is provided in the refugee camp beyond post-secondary. This problem led them to seek a way to continue their education outside the camp. Moreover, educational certificates in the refugee camp are not accepted at official schools and state universities (Till, 2011). Some migrant schools in Mae Sot have begun to provide further education opportunities for displaced persons, through which students can study a recognized curriculum, and receive an accredited degree. Narratives from my key informants show how identification documents issued by migrant schools in Mae Sot play a role in legalizing displaced persons from the refugee camps. Although there are many migrant schools organized in Mae Sot, the narratives discuss the experiences of students at one migrant school, which all of my key informants have attended. Due to confidentiality issues, I refer to this migrant school as "M school" as its pseudonym.

My key informants provided information that M school makes an annual announcement in all nine refugee camps in Thailand, and in Chiang Mai and Mae Hong Son to recruit displaced persons and migrant children as new students. The program requires at least 24 potential students from Myanmar each year, recruited from refugee camps and migrant areas along the Thai-Myanmar border. The program focuses solely on disadvantaged Myanmar students, therefore displaced persons who have MOI-UNHCR HHRDs and who can continue higher education independently is advised not to apply. In order to access M school, applicants must pass an examination, covering English and other subjects, and undergo an interview. Examination and interview dates are fixed in each location. According to the school announcement, the program provides internationally recognized high school accreditation which is internationally recognized high school accreditation, which can be used to apply to university. M school aims to build capacity and knowledge to help the younger generation from Myanmar contribute to their country and communities along the border (Unpublished document, M school). According to its website, M school provides General English and Academic Writing, Academic Reading and Literature Social Studies (World History, U.S. History, Geography, Political Science and Economics), Combined Science (Chemistry, Physics and Biology), Mathematics, Burma Issues and Human Rights, Thai Language, and Computer skills in its curriculum. Every course is taught in English. All of my key informants stated that all qualified students in each year are provided with food and accommodation in Mae Sot,

as well as an allowance. The qualified students need to stay in the dormitory in Mae Sot in order to participate in the program for a year. One of my key informants expressed with respect to M school:

> "M school requires students who want to study further at a higher education level…During the interview, the committee made sure that we were committing ourselves to contribute to our community and country…Moreover, students need to prove that they are from Myanmar by showing them evidence such as a Myanmar ID card, education certificate, camp documentation, and recommendation letter (Way Hay, pers. comm., Jul 3, 2014)."

Moreover, students at M school are provided with student cards, which they can show to the local police when they travel within Mae Sot or go to Mae La refugee camp. The card contains personal information, and carries the certification of the dean of the school that the holder is an M school student.

Once students graduate, the program provides a General Educational Development (GED) diploma, which is recognized high school certificate which students can use to apply for higher education at the university level (Unpublished announcement, M school) However, the certificate alone cannot guarantee access to university for displaced persons, because they do not have financial support and lack citizenship. After high school graduation, there are some scholarships provided to students from Myanmar to attend universities in Thailand and abroad, but the opportunities are very limited. Graduating students need to get a scholarship first and then apply for university. Again, they are required to pass a scholarship examination and interview. Students can apply for any program that interests them. For example, Way Hay, who worked as a nurse in Mae La hospital for 3 years, wanted to continue her education in the nursing field at the university level in order to be able to work officially in Myanmar. Before continuing her education with M school, she tried to apply for jobs as a nurse in both Thailand and Myanmar, but her education certificate

and medical training certificate received in the refugee camp were not recognized. She expressed to me that:

> "I want to be a nurse in Myanmar…I want to work for my people, but my education certificates from the camp are not recognized in Thai society or Myanmar…I couldn't continue my education at university with this document…as a refugee, I don't have a citizenship document…I also couldn't apply the university without citizenship…The only way I could do it was to find an acceptable certificate and citizenship (Way Hay, pers. comm., Jul 3, 2014)."

Based on this information, it is clear that not all students can follow their dreams unless they have their own capital to invest. In this context, the capital is knowledge and financial support. The former refers to their own capacity, meaning that they must be adequately qualified to obtain the scholarship. The latter refers to the support provided by the scholarship, given that studying at a university in an international program is costly.

Another limitation to continue the higher education is the citizenship status of displaced persons. The majority of displaced persons in refugee camps in Thailand do not have Myanmar citizenship cards, which means they are stateless. In order to continue their education at a university in Thailand, displaced persons must have identification proving their citizenship. Identification documents relating to citizenship, such as a citizenship card and a national passport, are compulsory. Displaced persons need to go back to Myanmar, where can be difficult to prove one's entitlement to citizenship, in order to obtain a Myanmar National ID card (Appendix E)[19]. One of my key informants informed me that he went back to Myanmar to obtain

---

[19] According to the Myanmar Citizenship Law of 1982 and procedures in 1983, the Myanmar government issues the ID card for its citizens twice: at 10 years old and 18 years old. The card is a pink color, and on the front side, it includes the holder's biographical information (Name, Date of birth, Nationality, Religion, Height, Blood Type), an ID number, a photo, date of issue and signature of issuing authority. On the back of the cad are the holder's thumb fingerprint, previous ID number, occupation, address, and signature. Moreover, relevant documents such as birth certificate and household census must be presented to the authority when citizens request for the card issued and reissued (Tun, 2007).

an ID card, because he realized that he must have one before continuing his education at university. He stated that:

> "After I graduated from the school, I return to Myanmar to make the ID…the official asked me where I stayed because I did not show them my previous ID card…I told them that I worked along Thai-Myanmar border, but was actually staying in the refugee camp, and I could reissue my ID…it seemed I had problems because my record was lost…however, I bribed the official 20,000 kyat in order to make everything go smoothly (Oh Oh, pers. comm., Jul 13, 2014)."

Once country of citizenship is determined, displaced persons can move forward with applying for the university scholarship. At this stage, it is worth noting that they switch from identifying themselves as displaced persons from Mae La, to identifying as Myanmar citizens. The young displaced persons who served as my informants no longer considered themselves as camp residents, as per Ku Ku's statement:

> "(Myanmar) ID card is a development process for me to get more education…If I do not have the ID card, I do not have any idea how I could get the scholarship because the scholarship is available only to Myanmar citizens…If people want to study at a university in Thailand, they need to be legal, either a Myanmar citizen or a Thai citizen…five years of refugee life is enough for me…I need to go further (Ku Ku, pers. comm., Jul 18, 2014)."

In addition to the ID card, displaced persons receiving a university scholarship need to obtain a Myanmar passport and a student visa. They thus return to Myanmar again for those documents, which they must present to the Thai university with the application. With Myanmar citizenship ID documents and passports, young displaced persons from Mae La refugee camp are transformed into Myanmar citizens in order to

get a better education. Therefore, it can be argued that migrant schools in Mae Sot are places where displaced persons from Mae La refugee camp can be legalized through the provision of knowledge and recognized educational certificates. Not only can those displaced persons access higher education at university to fulfil their dreams, but they also can access citizenship, as Pu Pu expressed:

"I must change my life first to change my community, and then my country…I got Myanmar citizen, so I can therefore get higher education. If I get higher education, then I can work for my Karen community (Pu Pu, pers. comm., Jul 24, 2014)."

5.5.3 Negotiating Right to Citizenship

"Sure, if you don't have any identification documentation, you are stateless…if I don't have a Myanmar ID card, I am not a Myanmar citizen…like an undocumented migrant worker, they don't have any identification documents, so they do not get any services from either government (Saw Jah, Jul 5, 2014)."

Refugees are persons whose citizenship from their country of origin has been ripped away, and who cannot access citizenship in their country of asylum (Agier, 2011). Some displaced persons in Mae La refugee camp have stayed "temporarily" for almost 30 years without any form of citizenship, identified merely as displaced persons fleeing fighting, or "illegal" people. There are two durable solutions, repatriation and third country resettlement, that have been provided to them. The first involves returning the refugee to be a citizen in the country of origin once the conflict situation is resolved. The second refers to selecting and transferring refugees from their country of asylum to a third country that accepts them as residents (UNHCR, 2004 cited in Harkins, Direkwut, and Kamonpetch, 2011). It could be said that durable solutions are essentially the return of citizenship and protection to refugees, after these have been stripped of them by their countries of origin and asylum (Long, 2010).

In fact, one further solution for displaced persons in Thailand would be local integration, which Thai authorities have never implemented to deal with (the) protracted refugee situation. This solution refers to the integration of refugees in the country of asylum, where the government allows displaced person to stay in the country legally, as so-called "permanent residents through naturalization" or other means in accordance with national law. Since there is movement of displaced persons in refugee camps to surrounding areas and border towns, self-settlement occurs regularly along the Thai-Myanmar border, which is referred to as so-called "de facto local integration" (Rangkla, 2012). Jacobson (2001) explained the circumstance under which refugees engage with local communities in their everyday lives. The process of local integration can also be seen as a form of negotiation in order to access citizenship, rights, welfare, and resources (Polzer, 2009). From this way, identification documents according to the regime of citizenship play a role for displaced persons in order to integrate into Thai society, where they will get benefits similar to Thai citizens. However, obtaining the documents is not easy, but the corrupted system requires money from 70,000-100,000 Baht (Lee, 2007 and Olsen and Nicolaisen, 2011). Due to confidentiality issues, I could not reach displaced persons in Mae La refugee camp who have Thai identification cards as a research sample. It is understandable that displaced persons may not want others know that they hold dual identities, and thus take advantages from the system. Nonetheless, I got the chance to interview displaced persons who had previously lived in the camp, but are now integrated into Thai society because they have ID cards for unregistered persons, or so-called 10-year cards.

Tha Dar and Saw Jah were registered by the district office as legal immigrants, pending citizenship consideration in 2010. Both of them are Karen people who fled from Myanmar due to ethnic conflict. Tha Dar fled to Mae La refugee camp in 2005 while Saw Jah fled in 2006. Their names were listed in a Thai household census...in 2006", or "Their names have been listed in the Thai household census in a Thai village near Mae La refugee camp since 2006. Tha Dar and Saw Jah know how a 10-year card works, but both of them feel that their lives will be difficult if they do not have any

identification documents, since they have decided to stay outside the camp, as Tha Dar expressed:

> "Without the documents here, I can be only a bad guy even though I always follow the law and behave morally…Though the 10-year card I have is not a Thai ID card, having something is better than nothing (Tha Dar, pers. comm., Jun 24, 2014)."

Even though some sources (Toyota, 2006 and HRW, 2012) sources indicate that corruption among local village leaders surrounding the issue of ten-year cards is common, Tha Dar and Saw Jah got their cards through ethnicity and kinship networks. For example, Tha Dar has friends who integrated in a Thai village because his friend married a Thai woman. His friend invited him to stay in the village near Mae La refugee camp, and added his name into his wife's household census in 2005. At first, Tha Dar often visited his friend until he was invited to live in the friend's house and received an offer of a job as a furniture worker in Mae Sot. His friend told him to stay in the village because he would then be able to get Thai identification documents ZTha Dar, pers. comm., Jun 24, 2014). Similarity, Saw Jah also was advised by his uncle, who is a Thai citizen, to stay in his uncle's village in order to get to the 10-year card. When the district officer called him for the interview, he told the authorities that he had migrated and had stayed more than 10 years in the village. Moreover, the village leader and his uncle were witnesses during the interview to confirm that he had been residing in the village for amount of time (Saw Jah, pers. comm., Jul 5, 2014). There are compulsory regulations that apply to them as cardholders. In order to be considered for Thai citizenship, they must follow certain regulations, in particular the requirement to stay in the area in which they were registered area until card expiry, 10 years after the date of issue.

> "I want to have legal status because I can get some civil rights and freedom…I cannot stay legally in Thailand if I do not have the document…I feel safe when I have the document (Tha Dar, pers. comm., Jun 24, 2014)."

Tha Dar and Saw Jah stated that they decided to leave Mae La refugee camp and reside in the Thai village because they wanted to seek better opportunities, which would be available to them if they were state citizens.

"No one recognizes if you do not have a citizenship…even the document I have is not a national identification card, the card shows that I belong to the country…the 10-year card is the most important for me because it shows who I am…I have a country (Saw Jah, pers. comm., Jul 5, 2014)."

Since Tha Dah and Saw Jah consider themselves to be Karen ethnicity, they refuse to return to Myanmar to obtain an ID card. They consistently expressed that they are Karen, not Myanmar nationals, as Tha Dar expressed:

"A Myanmar ID is not necessary for me…it can do nothing, only confirm our status... The Myanmar government never serves the people like other governments should do…Difficulties I experienced with Myanmar government are always reminding me how bad the government is…I decided not to get the ID, even though it is not difficult…Staying in Thailand like this is much better than in Myanmar (Tha Dar, pers. comm., Jun 24, 2014)."

Both of them expressed that the reasons they decided to give up refugee status are to seek better opportunities, to access legal status, to access some rights, and to access citizenship.

With the 10-year card, Tha Dah and Saw Jah can stay legally in Thai territory, even if just for ten years on a temporary basis. Nonetheless, they use the cards in their survival strategies in Thailand. With the card, Tha Dah can work as furniture worker in Mae Sot, while Saw Jah can continue his high school education at a Thai school. This case study should not be seen as full local integration as described by Jacobson

(2001) who referred to local integration as an offer of full or permanent citizenship for refugees in their country of asylum. Without this, they still face certain risks. Their narratives can confirm that de facto local integration occurs in context of refugee in Thailand, despite the fact that the Thai government does not recognize this solution. It can be argued that displaced persons use identification documents in seeking alternative solutions besides the two formal options of repatriation and third country resettlement. The way that displaced persons engage with Thai society can be seen as political negotiation in order to access citizenship, even if, as in these cases, they can only reach citizenship via a long process with multiple steps. In this sense, Tha Dah and Saw Jah in order to access partial citizenship provided via the 10-year card in Thailand. Identification documentation such as the 10-year card upgrades the status of displaced persons from "illegal" people to people without status in Thailand. They can access to some rights according to the law. There is a long way yet for Tha Dah and Saw Jah to go before they can access full citizenship.

5.6 Summary

In this chapter, I illustrate how displaced persons in Mae La refugee camp use various kinds of identification document in negotiating with the regime of identification. In the context of Thailand, people live in state of identification where identification documents play an important role in obtaining rights and welfare in accordance with national law. Identification documents can allow displaced persons in Mae La to access humanitarian assistance and protection, if they are identified as such by the Thai government and humanitarian agencies. In addition, various identification documents are used by displaced persons to seek better rights that are limited in the camp, such as the right to work, the right to higher education, and the right to citizenship.

Displaced persons from Mae La refugee camp also understand the situation in Mae Sot, where Thai state has constructed the regime of identification to control people, on the one hand but where other entities also exercise their own powers

within. They have therefore accessed sources of power to seek better opportunities that are not provided in the refugee camp. Identification documents play an important role for displaced persons from Mae La refugee camp in negotiating rights. They have converted identification documents from a technology of control to a technology of negotiation. My case studies show how displaced persons from Mae La refugee camp engage with the regime of identification in Mae Sot. They have used identification documents as strategic tools to negotiate the right to work, the right to education, and the right to citizenship.

In terms of negotiating the right to work, my case studies show different kinds of identification documents and strategies used by displaced persons in order to create job opportunities. The case studies illustrate how they engaged with the regime of registered illegal migrant worker by applying for passports and work permits to work legally in Thailand, as seen in the case of Saw Tae. As Mae Sot is an exceptional space where displaced persons can seek protection and assistance from other entities, Thong accessed a Karen organization by using his ethnic network, leading to a job there. His case shows how unofficial identification documents play a role in creating some level of protection in order for him to work at Karen Human Right Group. Last, displaced persons cross the Thai-Myanmar border to seek job opportunities. Saw Go saw how the regime of identification does not function effectively in Myanmar, where he can work and seek alternative solutions without identification documents.

In case of negotiating the right to education, my case studies show how quasi-education institutions like migrant schools play a role in creating protection for their students through provision of identification documents. Moreover, my case studies show how the students have transformed themselves from "illegal" people to legal ones by identification documents. However, it is arguable at the first level that unofficial documents like student cards provide them some freedom of movement in Mae Sot. Moreover, in order to access higher learning, such as a university education, displaced persons must apply their knowledge capital in order to obtain financial capital through a university scholarship.

        In case of negotiating right to citizenship, my case studies show how displaced persons engage with the regime of identification set up by the Thai state to control non-Thai citizens. Though my case studies have not yet accessed full citizenship, it can be argued that they are effectively integrated into Thai society. The cases also show that displaced persons understand the regime of identification well. Thus, they use ethnicity and kinship networks to access the right to citizenship. The Thai government management policy towards non-Thai citizens creates many limitations such as mobility and work restrictions; however, my informants are satisfied with the conditions in the hopes that their status will be upgraded in the future.

จุฬาลงกรณ์มหาวิทยาลัย
CHULALONGKORN UNIVERSITY

CHAPTER VI
CONCLUSION

6.1 Introduction

This thesis responds to the main research question regarding what role identification documents play as to how identification documents play a role for displaced persons from Mae La refugee camp in seeking alternative solutions. To do so, the objectives were divided into three objectives: to illustrate how the regime of identification was established in Mae La refugee camp and Mae Sot town; to examine how identification documents have been employed as strategic tools for governing displaced persons in Mae La refugee camp and Mae Sot town; and to demonstrate how displaced persons from Mae La refugee camp use identification documents as negotiation tools for seeking better opportunities.

The thesis examined this research question by elaborating on the function of the regime of identification in Mae La refugee camp in particular and in connection with Mae Sot town. Next, I analyze how identification documentation plays a role in governing the population in Mae La refugee camp and Mae Sot. Last, I illustrate how identification documents are used as a strategic tool in negotiating for humanitarian assistance and protection, the right to work, the right to education, and the right to citizenship by displaced persons from Mae La refugee camp. In this chapter, I will reflect on the findings in regard to the theoretical framework and to highlight why displaced persons should be considered strategic agents employing identification documents as a technology of power in their negotiation with different kinds of authorities.

6.2 Establishment of the Regime of Identification

Throughout the thesis, I use the term "regime of identification" to describe the process of verification, acknowledgement, and confirmation. The verification process

is to screen individual into the system of nation-state. The acknowledgement is the process of acceptance of the individual by authorities so as to assign him/her a certain identity according to classificatory action. The confirmation is the process of affirming identity in accordance with the law, in which the body and the identity of individual are bound to rights corresponding to the law. Non-status which refers to how individuals who do not have identification documentation can merely be illegible persons lacking civil rights and protection. The regime has thus been established by the state in ambiguous space, specifically border areas, for the purpose of controlling and manipulating people. I have argued that the regime of identification has driven a state of exception both in refugee camps and border towns. From this way, individual must be identified by the system, which provides identification documentation to generate an identity relating to membership and belongingness of categories.

In this thesis, I also argue that Mae La refugee camp can be considered as s state of exception where exceptional rules and regulations are employed with regards to camp populations for the purposes of regulation and protection. Initially, displaced persons from Myanmar who fled to Thailand were without any form of citizenship—"bare life", so to speak. They were provided with a new identity as "Displaced Persons Fleeing Fighting", the Thai terminology referring to refugees. Freedom of movement, the right to work, and the right to have a better standard of living have all been suspended, while exceptional regulations such as confinement in restricted areas became a rule as state of being. The first generation of Myanmar displaced persons has spent 30 years under conditions of long-term temporariness in Mae La refugee camp where they have seen their everyday life with exceptional rules as normal. As shown in Chapters 3 and 4, the regime of identification functions in the refugee camp as extra-territory to help the Thai government and UN agencies identify which people are displaced persons fleeing fighting. In other words, who deserve to be protected and provided humanitarian assistance?

The process of identification has been created by the Thai government along with the UNHCR to verify displaced persons from Myanmar for registration as refugee camp members. In Mae La refugee camp, the process under which displaced

persons who passed the identification process were provided with MOI-UNHCR HHRDs as identification documents officially ended in 2005. Thailand as the country of asylum only recognizes displaced persons who have this document, so-called registered displaced persons. The document's holder can apply for third country resettlement as a privileged entitlement among the camp population. Later in 2007, identification cards for displaced persons were provided by the Thai government to registered persons for the purpose of confirming the status of the holders as displaced persons permitted by the government to stay in the refugee camp. The card has not played any role in upholding rights and welfare, but merely confirmed identity

.

One of the tools employed in the regime of identification is the ration book. In order to access entitlements such as food and shelter materials, the TBC ration book plays role as a beneficiary document for displaced persons. TBC as a humanitarian organization issues the ration book for all displaced persons who have passed the screening in process, no matter what status they have. This verification process is run by designating residents as a self-governing institution. At the very first step, new arrivals must be registered at the section level, the lowest administrative level in the camp, where displaced persons will be granted permission to stay in the refugee camp by household census. To get partial freedom of movement outside the refugee camp, a permission letter for travelling is another crucial document for displaced persons. Its validity is between 3 and 7 days, depending upon the business the displaced person has outside the camp.

According to Das and Poole (2004), identification documentation is a part of written practices under the emergence of modern state. The establishment of the regime of identification in Mae La refugee camp and Mae Sot Township is predicated on a state-centric framework. It is arguable that rights and welfares bond with human-being per se are not pragmatic in the nation state system, but identification documentation is the tool and technology of the nation-state to uphold those rights and welfare.

It can be argued that there are 3 governance levels in Mae La refugee camp which issue identification document for displaced persons. First, the Thai government provides the MOI-UNHCR HHRD as an official document for qualified displaced persons, and permits displaced persons to travel through the permission document. Second, TBC as a humanitarian consortium provides beneficiary documents for displaced persons. Third, the section committee as a self-governing institution authorizes new arrivals to stay in the refugee camp through the household census. Third country resettlement is a limited entitlement for recognized displaced persons who hold an MOI-UNHCR HHRD. The Thai government and UNHCR have only authorization to issue the document. The Thai government is also responsible for controlling the movement of displaced persons in and out of the refugee camp by issuing travel permission documents. Provision of food and non-food items is also limited to verified displaced persons, with the ration book as the evidence issued by humanitarian agencies. It is interesting that the authorization to shelter in Mae La refugee camp is granted by self-governing institutions like the section committee and camp committee, which issue household census documents for displaced persons. It can be argued that those institutions are self-autonomous in some senses.

The research findings show that there are various authorities in Mae La refugee camp that exercise their power over displaced persons through identification documentation. This is a crucial understanding when we consider the so-called "regime of identification". The state is just one among many other authorities that exercise power through identification documentation. The complexity of a regime in which multiple authorities exercise their tools and approaches render the overlapping and, in many cases, contradictory, platforms of how the migrants should be governed and protected. Said complexity also allows the displaced persons to make use of and seek ways of placing themselves into the unruliness of the system.

It can be said that Mae La refugee camp and Mae Sot Township are together form a nexus where either legal or illegal movement between both areas regularly occur. However, Mae Sot is located along a porous border area that can be seen as a hub of transnational migration and border trade. Due to these characteristics, Thai government has established the regime of identification at the border to control the

movement of people across the border, and to support a prosperous border economy. Both objectives are predicated on a national security discourse. From this way, the regime of citizenship plays a role through issuing official identification documents in order to verify and authorize people stay and work in Thai territory "legally". Illegal immigrants and illegal migrants are monitored and controlled by identification documents. The former refers to people without Thai nationality, and unregistered persons who have been allowed to stay in Thailand. Thai government issues special identification documents in order to control and provide them with some rights and welfare within restricted areas. The latter refers to migrant workers who migrate to seek job opportunities in Thailand. In order to regulate illegal movement of migrants, Thailand set up a system to register them. The migrant regularization policy requires a passport and a work permit as the official identification documents that allow a migrant worker stay and work in Thailand legally.

However, it can be argued that the power of the Thai state cannot penetrate deeply enough to absolutely control the border area of Mae Sot, because other governances such as international organizations, ethnic political organizations, development organizations, and other social networks exercise their powers to protect and provide assistance to their people. Identification documents are a way for other governances to protect and assist people. Even though those documents can be seen as unofficial documents, they are acceptable and understandable to local authorities. It can be seen that identification documents such as student cards, migrant clinic cards, and organization cards play important roles in protecting and assisting people. Studying the border area through the lens of identification documents reveals how fragmented sovereign power is.

The regime of identification in Mae Sot can be referred to as a state of exception in some senses because the Thai government has established the regime through spatial and non-citizen population management. From this way, I argue that there are other states of exception that have also been established within the state of exception because of the fragmentation of sovereign power at the border. To argue

Agamben (2005), every space has a state of exception, even in a state of exception itself.

6.3 Governing under the Regime of Identification

In this section, I discuss how identification documents play a role in governing people, particularly, displaced persons in Mae La refugee camp and Mae Sot Township. It can be argued that identification documents do not have power in and of themselves. Rather, the power of the documents has been assigned and given significance by sources of power. Identification documents thus play important roles in controlling and manipulating population through the significance given to them by Thai government and humanitarian agencies.

Undeniably, the provision of humanitarian assistance and protection usually comes along with population management in the form of surveillance and control. Identification documentation cannot be merely seen as beneficiary documents for displaced persons, but also as a technique of control, surveillance and management. In this thesis, I highlight 4 techniques of control relating to identification documentation, which are headcount, registration checkpoints, and the rule and regulations attached to identification documents.

During my fieldwork between June and July 2014, the Thai government under military government restricted the movement of displaced persons in the refugee camp to facilitate a headcount. The government also restarted talking about the repatriation of displaced persons to Myanmar. The aim of this headcount was to determine the exact number of displaced people living in the refugee camp. This technique of control also aims to make a clear distinction between refugee and migrant workers, corresponding to classificatory migration theory. It can be argued that blurred identiy, dual identity, and unidentified individuals are unacceptable, because from the perspective of the state, it is difficult to manage them.

Registration is the objective of displaced persons in refugee camp who want to be recognized. That is why displaced persons submit to the requirement to stay in confinement. It can be said that people in Mae La refugee camp hope to be recognized as displaced persons through official registration. However, the Thai government has not processed official registration since 2006. Only displaced persons who fit into special categories, such as those with urgent medical needs, SGBV cases, unaccompanied children, and family reunification cases will be considered by the government and UNHCR for registration for durable solutions. This technique of control freezes displaced persons in the refugee camp with pervasive rumors and unclear information about their future. The cost of leaving the camp is de-registration which may cause displaced persons to some entitlements.

Checkpoints can be seen as a technology of territorialization. It can be considered as mobile border where demarcates everywhere. Thai authorities set up stations to screen people in and out the confinement. I argue that identification documentation plays two important roles at checkpoints: to confirm citizenship; and to confirm "legality". First, people are stopped at the checkpoint in order to confirm freedom of movement as a civil right by showing a national identification document. Second, displaced persons who are non-citizens can only be allowed to leave the refugee camp with a permission letter. This document confirms at the checkpoint that they are authorized to stay in Thai territory legally, even if temporarily.

In addition, the power of identification document over the holders can be seen through the rules and regulations attached to the documents. Such rules and regulations with identification document therefore cause the holders to be self-disciplining and self-governing because the holders follow them willingly. I discuss self-reporting at government offices, restriction of movement and work to specific areas, and time limits for work and movement as techniques of control attached with the documents.

Identification documents can bring displaced persons some entitlements provided in the refugee camp, but these are limited. The budget for humanitarian

assistance has been continually decreased since the political transformation in Myanmar, directly affecting the livelihood of displaced persons, particularly with regards to food items. Due to such restrictions, some displaced persons leave the refugee camp to work for subsistence and survival. However, Thai authorities see them as illegal immigrants to be deported according to the immigration law of 1979. Another challenge in refugee camps is in accessing education beyond post-secondary, because the Thai government does not allow universities to operate in the refugee camp. Since displaced persons lack citizenship, they cannot enroll in any university in Thailand. As has been discussed, citizenship is required for displaced persons to access better opportunities.

6.4 Negotiating the Power of the Identification Regime

Identification documents are not merely seen in Mae La refugee camp as tools of regulation, but are also used by displaced persons to access humanitarian assistance and protection. However, before accessing such entitlements and benefits, displaced persons must be identified by the authorities. The identification of people through the documents generates sense of self-identification for the individual.

Being identified and recognized by the Thai government and humanitarian agencies comes along with entitlements. Displaced persons in Mae La refugee camp therefore use various kinds of strategies, such as vulnerability, disguise, and use of false documents to be legible in the eyes of the government and humanitarian agencies in bids to be recognized as refugees. The MOI-UNHCR HHRD assigns refugee status to displaced persons, with the Thai government and UNHCR exercising their power to identify who deserves the humanitarian assistance conferred through the registration process. Identification by both sovereign powers may reduce the identity and history of a displaced person to a simple identity as a refugee. Self-identifying as a refugee is a strategic tool of displaced persons, because as recognized refugees, they can access better entitlements, particularly third country resettlement. From this way, identification documents endow individuals with refugeeness, creating "genuine" refugees/displaced persons, as a binary opposite to false refugees/displaced persons.

In Mae La refugee camp, identification documents play an important role for displaced persons as evidence of the right to access humanitarian assistance. My data shows that displaced persons, no matter what status they hold, as well as people outside the refugee camp, can access humanitarian services such as education and health. In order to access food, non-food items and shelter in Mae La refugee camp, displaced persons must be confirmed through identification documents such as the TBC ration book and household census. Identification documents bind displaced persons with exceptional entitlements in the extra-territorial space of the refugee camp. Identification documents also create protection for displaced persons in Mae La refugee camp, whereby recognized people holding an MOI-UNHCR HHRD are not subject to deportation to their country of origin, according to the principle of non-refoulement. Displaced persons should have identification documents in hand to prove that they are a real camp residents. However, displaced persons must have a permission letter for travelling when they are outside the refugee camp.

Limitations of rights, welfare, and solutions in the refugee camp have led displaced persons seek out better opportunities outside the confinement. Throughout this thesis, I argue that displaced persons should not be seen as passive actors who merely wait on humanitarian assistance. Rather, they are strategic agents who understand their situation, and apply various strategies to seek alternatives and better opportunities. The thesis also illustrates that the regime of identification because this would imply there are various ones throughout Thailand, particularly at the border area. In this context, displaced persons understand how the regime functions. They thus apply identification documents as strategic tools in negotiating for better opportunities. Mae Sot city was selected to study how displaced persons from Mae La refugee camp use various identification documents seek better opportunities. Furthermore, it can be argued that displaced persons repurpose identification documentation from their intended purpose as a technology of control into a technology of negotiation.

Restrictions in refugee camps have led displaced persons to seek employment outside the confinement. My case studies show that displaced persons understand how

the regime of identification works in each area. In order to work in Thailand legally, displaced persons from Mae La refugee camp must access identification documents such as passports and work permits, becoming so-called "registered migrant workers" in the process. Mae Sot as border town contains other governances within the system of state governance, and those institutions exercise their own power to protect their people. One of my case studies shows that a Karen organization cards creates protection, which facilitates the ability to work for Karen people in Mae Sot. However, crossing the border to seek job opportunity occurs in every life at the border. Since the regime of identification does not function effectively in Myanmar, the individual my case study thus understands and seeks employment opportunities accordingly.

Since education is a tool to improve the lives of displaced persons, displaced persons also seek higher education outside the refugee camp. They see education as power to help their community and country. In this context, migrant schools in Mae Sot play roles as institutions providing educational and financial assistance for qualified students. Additionally, migrant schools act as institutions that lift displaced persons out of "illegal" status. Without citizenship, displaced persons cannot study in Thai universities. My case studies show that displaced persons must access citizenship before they can enroll in higher education. They thus crossed the border to Myanmar to obtain Myanmar national ID cards, passports and student visas in order to access a Thai university education.

Displaced persons in Mae La refugee camp require citizenship if they want to receive rights and welfare according to national laws. I realized that it is quite difficult to access displaced persons who hold Thai nationality because it takes time to build trust with those people. I was only able to reach displaced persons holding non-Thai status, for which the 10-year card can be seen as their strategic document. Though the card does not offer full citizenship, it responds to their needs in some ways. Namely, the card provides the rights to movement and work, even if only in the area where they are registered. My case studies show that they hope that they will be upgraded to full

Thai citizenship, even though the process leaves them in temporary status as if they were in the refugee camp again.

Narratives of displaced persons in Mae Sot show how they use various identification documents in negotiating with the regime of identification. Displaced persons know how the regime functions as well as which identification documents suit their needs. In this sense, identification documents initially used to control people can also be a reverse technology of power in negotiating for rights and better opportunities.

6.5 Theoretical Analysis

I use the concepts of State of Exception, Governmentality and Technology of Power to construct this thesis. It seems that those theories can be considered "Top-down" theories that explain my study through a vision of sovereign power. However, there are gaps in those theories, which my study on identification documents in Mae La refugee camp and Mae Sot Township may fill. Moreover, it can be argued that marginalized people like displaced persons have learnt to reverse those theories in order to circumvent controls, according the concepts explanation. In this sense, displaced persons can be seen as active agents who are not submissive to the power of control.

I use the concept of State of Exception to explain the condition of Mae La refugee camp as a place where new forms of rules and regulations have been established by sovereign power, but where usual rights based on the legality of individuals are ripped away from residents, who are assigned a new form of social being as refugees/displaced persons (Agamben, 2005). I have shown that the state of exception created the regime of identification, under which displaced persons living in the refugee camp must be verified and identified as people who deserve to be provided with humanitarian assistance by sovereign powers.

The regime of identification can be seen through the concept of Governmentality. According to the concept of Governmentality, sovereign powers use the identification regime to control, manipulate and, simultaneously, provide entitlements to displaced persons. In the regime of identification, various identification documents are used as technologies of power for population and space management. Identification documents usually come attached with rules, regulations, and entitlements. The holders thus follow the rules and regulations willingly because they can access entitlements in accordance with the nature of their documents. It can be argued that the regime of identification creates self-discipline in the holder. Such self-discipline can be seen as a technique of self-governing created by identification documents.

In this sense, identification documents can be seen as a technology of power whereby sovereign powers exercise their power to control, manage, and provide rights and welfare. It can also be argued that identification documents are strategic tools for the Thai government and humanitarian organizations to control displaced persons.

Later, the concept of state of exception also explains the exceptional characteristics of border cities. However, special circumstances at the border have created a state of exception within the state of exception. As the border can be seen as a contact zone where not only does state power penetrate in order to regulate people and territory, but other powers such as international agencies and other forms of governance also exercise their power in the same areas to serve their people. This illustrates how fragmented power at the border is. Though the state of exception becomes a rule either in refugee camp or the border area, exemption usually occurs in the areas where various powers interact and negotiate.

Displaced persons have learnt how the regime of identification works in the context of the state of exception within the state of exception. They thus employ different kinds of identification documents when negotiating for humanitarian assistance, protection, and particularly, rights that are restricted in the refugee camp. In this sense, identification documents are not merely seen as a technology of control and management, but rather a technology of negotiation used by marginalized people.

Finally, displaced persons can reverse the purpose of identification documents as a technology of control to convert them into a technology of negotiation, in order to access better rights and opportunities.

6.6 Suggestions for Further Research

During the fieldwork, I found interesting topics which I would recommend for further research as follows:

- The research was conducted under time-constraints, and I could not reach displaced persons holding dual identities, particularly relating to citizenship, along the Thai-Myanmar border. It would be worth learning how displaced persons take advantages of the controlling system, which would further develop understanding of how displaced persons should be considered strategic agents.

- The role of the migrant school at the border is also an interesting issue because those schools play very crucial roles in providing educational opportunities to displaced persons. It would be worth conducting further research about the way that the schools assist displaced persons in accessing better opportunities. Moreover, the network of migrant schools in assisting displaced persons in refugee camp needs to be further explored.

- Further study on the strategies used for survival by undocumented displaced persons, i.e. persons who do not have any documents, would also be interesting. This study could either confirm or counter my thesis as to whether the regime of identification and identification documentation as strategic tools matter or not.

REFERENCES

Agamben, G. (1998). Homo sacer: Sovereignty and bare life. *Trans. D. Heller-Roazen. Stanford: Stanford University Press*.

Agamben, G. (2000). Means Without End. Notes on Politics, translated by Vincenzo Binetti and Cesare Casarino: Minneapolis: University of Minnesota Press.

Agamben, G. (2005). *State of Exception, trans* (K. Attell, Trans.). USA: University of Chicago Press.

Agier, M. (2011). *Managing the undesirables*: Polity.

Archavanitkul, K. a. H., A. (2011). Migrant Workers and Human Rights in a Thai Context. In J. W. H. a. A. Chamratrithirong (Ed.), *Thailand migration report 2011* (pp. 63-73). Bangkok, Thailand: International Organization for Migration.

Archavanitkul, K. a. V., K. (2009). Employment of Migrant Workers under the Working of Aliens Act 2008 and the list of occupations allowed to foreigners: IOM.

Arnold, D. (2007). *Capital expansion and migrant workers: Flexible labor in the Thai-Burma border economy*. Mahidol University.

Asad, T. (2004). Where are the margins of the state. *Anthropology in the Margins of the State*, 279-288.

Aung, S. L. (2014). The Friction of Cartography: On the Politics of Space and Mobility among Migrant Communities in the Thai–Burma Borderlands. *Journal of Borderlands Studies, 29*(1), 27-45.

Bakewell, O. (2008). Research beyond the categories: The importance of policy irrelevant research into forced migration. *Journal of Refugee Studies, 21*(4), 432-453.

Bauman, Z. (2002). In the Lowly Nowherevilles of Liquid Modernity Comments on and Around Agier. *Ethnography, 3*(3), 343-349.

Brees, I. (2008). Refugee Business: Strategies of Work on the Thai–Burma Border. *Journal of Refugee Studies, 21*(3), 380-397.

Brees, I. (2009). *Livelihoods, integration & transnationalism in a protracted refugee situation: case study: Burmese refugees in Thailand*. Ghent University.

Brill, C. (2012). *Decision for crossing the border: A case study of Myanmar displaced persons*. (Master's Thesis), Chulalongkorn University, Bangkok.

Browne, S. (2005). Getting carded: border control and the politics of Canada's permanent resident card. *Citizenship Studies, 9*(4), 423-438.

Castles, S. (2003). Towards a sociology of forced migration and social transformation. *Sociology, 37*(1), 13-34.

Castles, S. M., Miller (Ed.). (2009). *The Age of Migration: International Population Movements in the Modern World* Hampshire Palgrave Macmillan.

Chalamwong, Y., Thabchumpon, N., & Chantavanich, S. (2014). *Temporary Shelters and Surrounding Communities: Livelihood Opportunities, the Labour Market, Social Welfare and Social Security*: Springer.

Chantavanich, S. (2011). Cross-border Displaced Persons from Myanmar Thailand. In J. W. H. a. A. Chamratrithirong (Ed.), *Thailand migration report 2011* (pp.

17-37). Bangkok, Thailand: International Organization for Migration, Regional Office.

Das, V., & Poole, D. (2004). *Anthropology in the Margins of the State*: James Currey Publishers.

Derks, A. (2013). Human Rights and (Im) mobility: Migrants and the State in Thailand. *SOJOURN: Journal of Social Issues in Southeast Asia, 28*(2), 216-240.

ECHO. (2009). *Livelihoods Vulnerability Analysis in Burmese Refugee Camps in Thailand*. Bangkok: Cardno Agrisystems.

Ellermann, A. (2009). Undocumented migrants and resistance in the state of exception.

Ellermann, A. (2010). Undocumented migrants and resistance in the liberal state. *Politics & Society, 38*(3), 408-429.

Feldman, I. (2008). Refusing Invisibility: Documentation and Memorialization in Palestinian Refugee Claims. *Journal of Refugee Studies, 21*(4), 498-516. doi: 10.1093/jrs/fen044

Foucault, M. (1979). Discipline and Punish, trans. Alan Sheridan. *New York: Vintage*.

Gordon, C., Foucault, M., Miller, P., & Burchell, G. (1991). *The Foucault effect: Studies in governmentality*: Harvester-Wheatsheaf.

Grivijitr, B. (2006). *The Life of Diaspora: Karenni Diaspora in Mae Hong So*. (Master's Thesis), Thammasat University.

Hall, A. (2011). Migration and Thailand: Policy, Perspectives and Challenges. In J. W. H. a. A. Chamratrithirong (Ed.), *Thailand migration report 2011* (pp. 17-37). Bangkok, Thailand: International Organization for Migration, Regional Office.

Han, B. a. M., K. (2007). Hallelujah": Myanmar refugees can now prove their identity in Thailand. Retrieved 20 July, 2014, from http://www.unhcr.org/461e3ab34.html.

Hanafi, S. (2010). *Governing Palestinian Refugee Camps in the Arab East: Governmentalities in Search of Legitimacy*: Issam Fares Institute for Public Policy and International Affairs, American University of Beirut.

Harkins, B., Direkwut, N., & Kamonpetch, A. (2014). *Resettlement of Displaced Persons on the Thai-Myanmar Border*: Springer International Publishing.

Huguet, J. W., & Chamratrithirong, A. (2011). *Thailand migration report 2011*.

Hyndman, J. (2000). *Managing displacement: Refugees and the politics of humanitarianism*: U of Minnesota Press.

IRC. (2012). Surviving or Thriving in Mae Sot: Vulnerability and Resilience in Mae Sot, Thailand. Bangkok.

Jacobsen, K. (2001). *The forgotten solution: local integration for refugees in developing countries*: United nations High commissioner for refugees (UNHCR).

Jaganathan, P. (2004). Checkpoint. In V. a. P. Das, D (Ed.), *Anthropology in the Margins of the State* (pp. 67-115): James Currey Publishers.

Jaji, R. (2012). Social Technology and Refugee Encampment in Kenya. *Journal of Refugee Studies, 25*(2), 221-238. doi: 10.1093/jrs/fer046

Keely, C. B. (2001). The international refugee regime (s): The end of the Cold War matters. *International Migration Review, 35*(1), 303-314.

Keyes, C. (2002). Presidential Address:"The Peoples of Asia"—Science and Politics in the Classification of Ethnic Groups in Thailand, China, and Vietnam. *The Journal of Asian Studies, 61*(04), 1163-1203.

KHRG. (2014). Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire: KHRG.

Koser, K. (2007). *International migration: A very short introduction*: Oxford University Press.

Lang, H. J. (2002). *Fear and sanctuary: Burmese refugees in Thailand*: SEAP Publications.

Laungaramsri, P. (2014). Contested Citizenship: Cards, Colors and the Culture of Identification. In J. A. Marston (Ed.), *Ethnicity, Borders, and the Grassroots Interface with the state: Studies on Mainland Southeast Asia in Honor of Charles F. Keyes*. Chiang Mai: Silkworm Books.

Lee, S. K. (2007). Integrating Others: A Study of a Border Social System in the Thailand-Burma Borderland.

Lee, S. K. (2012). Scattered but connected: Karen refugees' networking in and beyond the Thailand-Burma borderland. *Asian and Pacific Migration Journal, 21*(2), 263-285.

Lee, S. K. (2014). Migrant schools in the Thailand-Burma borderland: from the informal to the formal. *Asia Pacific Journal of Education, 34*(1), 125-138.

Li, T. M. (2007). Governmentality. *Anthropologica*, 275-281.

Lippert, R. (1999). Governing refugees: the relevance of governmentality to understanding the international refugee regime. *Alternatives*, 295-328.

Loescher, G., Milner, J., Newman, E., & Troeller, G. (2008). Protracted Refugee Situations: Political. *Human Rights and Security Implications (Tokyo: United Nations University Press, 2008)*.

Loewenstein, J. (2006). Identity and movement control in the OPT. *Forced Migration, 26*, 24-26.

Long, K. (2010). *Home alone?: a review of the relationship between repatriation, mobility and durable solutions for refugees*: United Nations High Commissioner for Refugees.

Lyon, D. (2008). What is the Surveillance Society? *Talk for Festival del Diritto, Piacenza, Italia*.

Lyon, D. (2009). *Identifying citizens: ID cards as surveillance*: Polity.

Lyon, D., Ball, K., & Haggerty, K. (2012). *Routledge handbook of surveillance studies*: Routledge.

Malkki, L. H. (1995). Refugees and Exile: From "Refugee Studies" to the National Order of Things. *Annual Review of Anthropology, 24*(1), 495-523. doi: doi:10.1146/annurev.an.24.100195.002431

Malkki, L. H. (1996). Speechless emissaries: refugees, humanitarianism, and dehistoricization. *Cultural anthropology, 11*(3), 377-404.

McConnachie, K. (2012). Rethinking the 'Refugee Warrior': The Karen National Union and Refugee Protection on the Thai–Burma Border. *Journal of Human Rights Practice*, hus005.

Moolma, S. (2011). *US Resettlement for Displaced Persons from Myanmar: Protection in a Protracted Refugee Situation in Mae La Shelter*. Chulalongkorn University.

Natali, C. (2014). Nationality Verification Process in Thailand: What worked, What did not and the steps forward. In S. Chantavanich, C. Middleton and M. Ito (Ed.), *On the Move: Critical Migration Themes in ASEAN* (pp. 175-192). Bangkok: International Organization for Migration and Chulalongkorn University-Asian Research Center for Migration.

NSC. (2012). Strategic Solutions on Illegal Immigrants. Bureau of The Internal Security Strategy.

OCDP. (2014). Rules and regulations on provision assistance in Temporary Shelter: MOI.

Oh, S.-A. (2010). Education in refugee camps in Thailand: policy, practice and paucity. *Education for All Global Monitoring Report 2011*.

Olsen, L., & Nicolaisen, S. I. C. (2011). *Navigating the borderland*. Denmark: Roskilde University.

Paisanpanichakul, D. (2005). *Right to Identification Paper in Thai State*. (Master's Thesis), Thammasat University, Bangkok.

Perruchoud, R. (2011). *International migration law: Glossary on migration*: International Organization for Migration.

Polianskaja, P. (2013). *Reflection on Encampment Mobility and Immobility on The Thai-Burma Border*. Paper presented at the ICIRD 2013 – "Beyond Borders: Building a Regional Commons in Southeast Asia", Chulalongkorn University, Thailand.

Polzer, T. (2009). Negotiating Rights: Th e Politics of Local Integration. *Refuge: Canada's Journal on Refugees, 26*(2).

Pongsawat, P. (2007). *Border partial citizenship, border towns, and Thai-Myanmar cross-border development: Case studies at the Thai border towns*: Phd. Dissertation in City and Regional Planning in the Graduate Division of the University of California, Berkeley.

Prachakun, N. (2004). Introduction: docile body. In T. P. (trans.) (Ed.), *Docile body*. Bangkok: Kobfai.

Rajaram, P. K. (2002). Humanitarianism and Representations of the Refugee. *Journal of Refugee Studies, 15*(3), 247-264. doi: 10.1093/jrs/15.3.247

Rancière, J., Bowlby, R., & Panagia, D. (2001). Ten theses on politics. *Theory & Event, 5*(3).

Rangkla, P. (2012). Karen Refugees' Self-settlement: Refuge in Local Administration and Contingent Relations. *Social Science Journal, Faculty of Social Science, Chiang Mai University, 24*(1-2), 159-195.

Rangkla, P. (2013). *After Displacement: Mobility and Prospects for Karen Post-Refugee Futures*. Paper presented at the ICIRD 2013 - "Beyond Borders: Building a Regional Commons in Southeast Asia" Chulalongkorn University, Thailand.

Salter, M. B. (2008). When the exception becomes the rule: borders, sovereignty, and citizenship. *Citizenship Studies, 12*(4), 365-380.

Saltsman, A. (2014). Beyond the Law: Power, Discretion, and Bureaucracy in the Management of Asylum Space in Thailand. *Journal of Refugee Studies*, feu004.

Sangkhamanee, J. (2013). Representing Community: Water Proposal and Tactical Knowledge. In M. Kanokwan, Louis, L. and Rajesh, D (Ed.), *Governing the*

Mekong: Engaging in the Politics of Knowledge (pp. 11-25). Selangor: Strategic Information and Research Development Center.

Santasombat, Y. (2008). *Power Space and Ethnical Identity: Politics Cultures of Nation-State in Thai Society*: The Princess Maha Chakri Sirindhom Anthopology Centre (Public organization).

Scott, J. C. (1998). *Seeing like a state: How certain schemes to improve the human condition have failed*: Yale University Press.

Senate. (2008). Briefing: Mae La Temporary Shelter. (Unpublished document).

Sharples, R. (2012). Spaces of solidarity: Karen identity in the Thai-Burma borderlands.

South, A. (2011). Burma's Longest War: anatomy of the Karen conflict. *Transnational Institute. Burma Centre Netherlands. Amsterdam.*

Tanabe, S. (2008). *Community and Governmentality: HIV community in Northern of Thailand*. Bangkok: Princess Maha Chakri Sirindhorn Anthropology Centre (Public Organization).

Tangseefa, D. (2006). Taking flight in condemned grounds: Forcibly displaced Karens and the Thai-Burmese in-between spaces. *Alternatives: Global, Local, Political, 31*(4), 405-429.

Tangseefa, D. (2007). 'Temporary Shelter Areas''' and the paradox of perceptibility: Imperceptible Naked-Karens in the Thai-Burmese border zones". *Borderscapes: Hidden Geographies and Politics at Territory's Edge. Minneapolis: University of Minnesota.*

TBBC. (2008). TBBC Programme Report July to December 2008 Bangkok.

TBBC. (2009). TBBC Programme Report July to December 2009 Bangkok.

TBBC. (2010a). TBBC Programme Report January to June 2010. Bangkok.

TBBC. (2010b). TBBC Programme Report July to December 2010. (Bangkok.

TBC. (2012). TBC Programme Report July to December. Bangkok.

TBC. (2013). TBC Programme Report July to December 2013. Bangkok.

TBC. (2014). TBC Programme Report January to June 2014. Bangkok: TBC.

Thai Immigration Act. 1976.

Till, A. L. (2011). *Educational Accreditation For Karen Displaced Persons/Peoples: A case study in a Temporary Shelter area along The Thai-Burmese Border Zone.* (Master's Thesis), Chulalongkorn University, Bangkok.

Toyota, M. (2006). HEALTH CONCERNS OF 'INVISIBLE'1 CROSS-BORDER DOMESTIC MAIDS IN THAILAND. *Asian Population Studies, 2*(1), 19-36.

Tun, T. A. (2007). An Introduction to Citizenship Card under Myanmar Citizenship Law.

UNESCO. (2008). Capacity building on birth registration and citizenship in Thailand: Citizenship manual. Bangkok.

United States Department of State, B. o. D., Human Rights and Labor. (2013). THAILAND 2013 HUMAN RIGHTS REPORT. Retrieved 23 September, 2014, from http://www.state.gov/documents/organization/220446.pdf

Van Hear, N. (2011). Mixed Migration: Policy Challenges. from http://www.migrationobservatory.ox.ac.uk/sites/files/migobs/Mixed%20Migra tion%20Policy%20Primer.pdf

VUNGSIRIPHISAL, P., CHANTAVANICH, S., KHANCHAI, S., JITPONG, W., & KUROIWA, Y. (2010). *Children Caught in Conflict*. Bangkok, Thailand:

Asian Research Centre for Migration Institute of Asian Studies, Chulalongkorn University.

Vungsiriphisal, P., Chusri, D., & Chantavanich, S. (2014). *Humanitarian Assistance for Displaced Persons from Myanmar: Royal Thai Government Policy and Donor, INGO, NGO and UN Agency Delivery*: Springer.

Walter, S. (2013). *Forgoing Citizenship-Social Factors in Resettlement. An empirical Study from Tham Hin Camp, Thailand*. Paper presented at the ICIRD 2013 - "Beyond Borders: Building a Regional Commons in Southeast Asia" Chulalongkorn University, Thailand.

Watch, H. R. (2010). *From the Tiger to the Crocodile, Abuse of Migrant Workers in Thailand*. New York: HRW.

Watch, H. R. (2012). *Ad Hoc and Inadequate: Thailand's Treatment of Refugees and Asylum Seekers*. New York: HRW.

Wichaidit, S. (2004). *Identity Formation of Karen Displaced Persons: A case study of Karen in Ban Mae La Temporary Shelter, Thasongyang District, Tak Province.* (Master's Thesis), Chulalongkorn University, Bangkok.

Wood, G. (1985). The politics of development policy labelling. *Development and change, 16*(3), 347-373.

Zetter, R. (1991). Labelling Refugees: Forming and Transforming a Bureaucratic Identity. *Journal of Refugee Studies, 4*(1), 39-62. doi: 10.1093/jrs/4.1.39

Zetter, R. (2007). More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization. *Journal of Refugee Studies, 20*(2), 172-192. doi: 10.1093/jrs/fem011

APPENDIX

APPENDIX A: REFUGEE CAMP STRUCTURE
Source: TBC, 2012
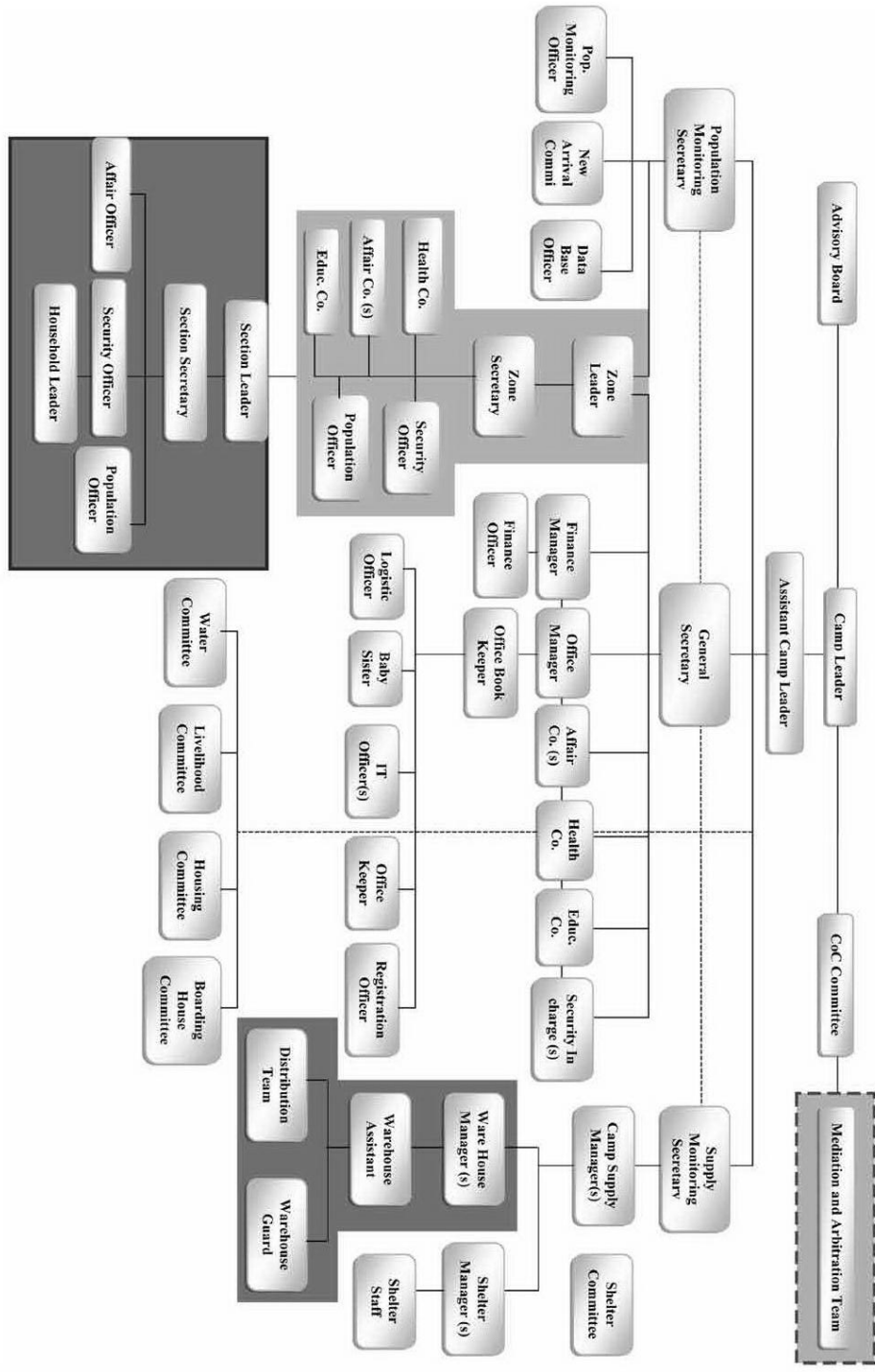
Figure E4: New Large Camp Structure

APPENDIX B: LIST OF FOOD DISTRIBUTION

(Remark: This figure shows lists and proportion of food relating to setting criteria in Umpiem refugee camp, Tak province where share the same information as Mae La refugee camp. Source: TBC, 2013)

APPENDIX C
IDENTIFICATION CARD FOR PEOPLE WITHOUT THAI NATIONALITY

แบบบัตรประจำตัวคนซึ่งไม่มีสัญชาติไทย

Identification card for people without Thai Nationality

(ด้านหน้า) Front side

Identification card for people without Thai Nationality

บัตรประจำตัวคนซึ่งไม่มีสัญชาติไทย
0-0000-00000-00-0

ตำแหน่งสำหรับลงรายการเลขประจำตัว
ประชาชนของผู้ถือบัตร Registration number

ตำแหน่งสำหรับลงรายการกลุ่มคนซึ่งไม่มี
สัญชาติไทย Classification of people

ตราครุฑ Garuda stamp

รูปถ่ายขนาด
๒.๕ X ๓ ซม.
Photo ID

ชื่อ First name
ชื่อสกุล Surname
เกิดวันที่ Date of birth
ที่อยู่ Address

(เลขหมายคำขอมีบัตร)
card application number

Date of issue   Date of expire   Director of registration
วันออกบัตร   วันบัตรหมดอายุ   ผู้อำนวยการทะเบียนกลาง

(ด้านหลัง) Back front

รหัสการผลิต Product code

ABCD0303123456789

ตำแหน่งสำหรับติดแถบแม่เหล็ก
Magnetic strip

Department of Provincial Administration   Ministry of Interior
กรมการปกครอง   กระทรวงมหาดไทย

ข้อพึงปฏิบัติสำหรับผู้ถือบัตรประจำตัว
1. บัตรนี้มิใช่บัตรประจำตัวประชาชน
2. ให้พกบัตรนี้ติดตัวอยู่ตลอดเวลาเพื่อรับการตรวจ
3. ห้ามผู้มีชื่อในบัตรออกนอกพื้นที่ออกบัตร
   เว้นแต่จะได้รับการอนุญาตเป็นลายลักษณ์อักษร

Regulations for the holder

1. This card is not National identification card
2. Please always carry this card for checking
3. Prohibit the holder travel out of registered areas
   if no written permission

รหัสกำกับบัตร
Identification card code

Source: UNESCO, 2008

APPENDIX D
IDENTIFICATION CARD FOR UNREGISTERED PERSONS

ID card for undocumented persons

แบบบัตรประจำตัวบุคคลที่ไม่มีสถานะทางทะเบียน

ตามระเบียบสำนักทะเบียนกลาง ว่าด้วยการสำรวจและจัดทำทะเบียน
สำหรับบุคคลที่ไม่มีสถานะทางทะเบียน พ.ศ. ๒๕๔๘

According to the Strategy on Legal Status and Rights for Undocumented Persons 2005

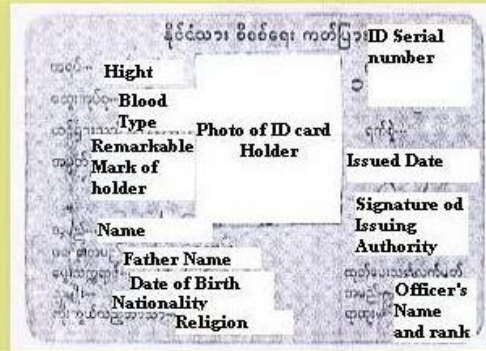(ด้านหน้า) Front side

(ด้านหลัง) Back side

Regulations for the holder

1. This card is not National identification card

2. Please presents the card whenever you contact the authorities

Source: UNESCO, 2008

APPENDIX E: MYANMAR NATIONAL ID CARD

Myanmar National ID card's sample - Front side

Hight
Blood Type
Remarkable Mark of holder
Photo of ID card Holder
Name
Father Name
Date of Birth
Nationality
Religion

ID Serial number
Issued Date
Signature od Issuing Authority
Officer's Name and rank

Sample ID Serial No.　9/MAYATA (Naing) 100100

Myanmar National ID card's sample - Back side

Holder's left Thumb print

Previous ID No.
Occupation
Adress of ID Holder
Holder's Signature
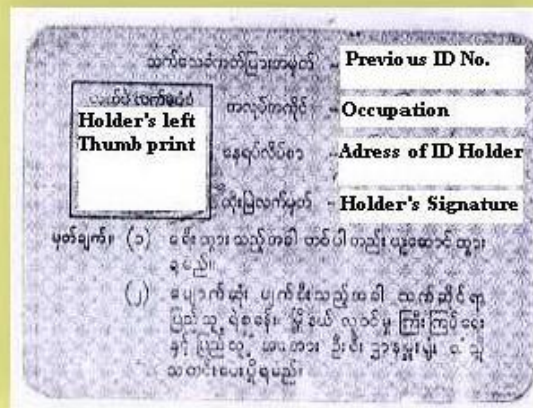
Source: Tun, 2007

APPENDIX F
Sample Questions for Data Collection

Sample questions for displaced persons in Mae La refugee camp

1. Do you think that identification documents are important for you? Why?

2. What kinds of identification documents do you have?

3. How do you get identification documents?

4. With different types of identification documents, how different welfares, rights and protection do you get?

5. What are the regulations attached with identification documents you need to follow?

6. To what extent do you use identification documents?

7. Do you feel that you are refugee when you have identification issued by Thai authority, humanitarian agencies, and camp committees? Why?

8. What are the most important identification documents you have? Why do you think it is important?

9. Do you have any kinds of identification documents other than using in the camp?

Sample questions for staff of The Border Consortium)TBC(

1. What kind of humanitarian assistance, programs and services does TBC provide to displaced persons in the camps?

2. What kind of identification documents does TBC issue for displaced persons? Which situation and purpose require displaced persons use it?

3. To what extent does identification document play role in regulatory process and in providing humanitarian assistance and protection?

4. How important of the ration book for displaced persons?

5. How are TBC process and practice on the ground regarding receiving news arrivals, ration distribution and population verification?

6. How does TBC cooperate with the Royal Thai Government in providing humanitarian assistance?

7. What is the definition of refugee in your perspective?

8. How does TBC classify displaced persons?

9. What are the problems and limitations of providing humanitarian assistance to displaced persons from Myanmar?

10. Could you please give an opinion to Thai current policy toward displaced person in the camps?

Sample questions for Bureaucratic official, Operation Center For Displace persons, Ministry of Interior

1. What are the system and regulations of the Royal Thai Government in providing humanitarian assistance to Burmese displaced persons living in temporary shelter?

2. How does the Royal Thai Government categorize Myanmar displaced persons in temporary shelters?

3. Which group of displaced persons has the Royal Thai Government recognized? Only registered displaced persons have been recognized?

4. Which documents have been issued by the Royal Thai Government for Myanmar displaced persons in temporary shelter?

5. To what extent does identification documents play role in regulatory process and in providing humanitarian assistance and protection?

6. How does local authority on the ground coordinate with other humanitarian organizations for policy implementation and humanitarian assistance/durable solutions?

7. What are the challenges and limitations all stakeholders, particularly Thai authority, face during the process of policy implementation in temporary shelter?

8. How does Provincial Admission Board)PAB (function?

9. How the process of displaced persons status determination? How does it work?

10. How does transformation in Myanmar influence to Thai policy towards Myanmar displaced persons living in temporary shelter?

11. How does the Royal Thai Government deal dual identity, e.g. displaced persons who hold 2 identities?

12. How does the Royal Thai Government formulate policy on displaced persons? Which factors are considered by the government in formulating the policy?

13. How does the form of governance in temporary shelter? In other words, which level does the government allow local government rule in the camp?

APPENDIX G
LIST OF INTERVIEWEES

Semi-Structure Interview

No	Name	Status	Sex	Ethnicity	Date of interview
1	Naw May	Registered	F	Karen	16 June 1014
2	Saw Myaw	Registered	M	Karen	17 June 2014
3	Maung Toh	Registered	M	Burmese	17 June 2014
4	Naw Bee	Registered	F	Karen	17 June 2014
5	Nu Nu	Registered	F	Karen	17 June 2014
6	Saw Sun	Unregistered	M	Karen	17 June 2014
7	Naw Pi	Unregistered	F	Karen	17 June 2014
8	Kaw Pha	Unregistered	M	Burmese	18 June 2014
9	Tu Tu	Unregistered	M	Karen	18 June 2014
10	Saw Ko	Unregistered	M	Karen	18 June 2014
11	Tun Nwe	New arrival	F	Kayah	17 June 2014
12	Naw Sar	New arrival	F	Kachin	17 June 2014
13	Ko Ra	New arrival	M	Rohingya	19 June 2014
14	Day Mae	New arrival	M	Burmese	19 June 2014
15	Saw Aye	New arrival	F	Burmese	20 June 2014

Key Informants Interview

Key Informant	Date of interview	Remark
Section Leader A	23-Jun-14	
Section Leader B	23-Jun-14	
Patrol Police	12-Jul-14	
Immigration police	12-Jul-14	
TBC officer	25-Jul-14	Interviewed by phone
MOI Officials	29-Jul-14	
NGO officer	29-Aug-14	

In-depth Interview with Displaced Persons

Name	Sex	Date of interview
Tha Dar	M	24 June 2014
Saw Go	M	25 June 2014
Way Hay	F	03 July 2014
Saw Jah	M	05 July 2014
Pah Kaw	F	05 July 2014
Saw Tae	M	09 July 2014
Thong	M	10 July 2014
Oh Oh	M	13 July 2014
Ku Ku	F	18 July 2014
Pu Pu	F	24 July 2014

VITA

Supatsak Pobsuk has grown up in the northern border area of Thailand. He graduated with Political Science in International Affairs from Thammasat University, Bangkok, Thailand. He got scholarship from The Consortium of Development Studies in Southeast Asia (CDSSEA) to study in Master of Arts in International Development Studies, Chulalongkorn University. Before becoming a Master student , he had work experiences for six years with the International Rescue Committee, international humanitarian agency where assists displaced persons in refugee camps along Thai-Myanmar border seeking admission to be refugees in the United States. He also gained international work experiences about refugee situations in Malaysia and Indonesia. His research interests focus on issue of refugee, displaced persons and migration.